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Canada. External Affairs, Dept. of-

(CANADA)

TREATY SERIES, 1938 [^] - 1939
(No. 26)

2 vol. in 1.

INDEX

1938 - 39.



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OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

Price, 25 Cents.

INDEX

1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

TREATY SERIES, 1938

CLASSIFIED INDEX

GENERAL TREATIES TO WHICH CANADA IS A PARTY

No.	Nature of Instrument	Place and date of	
		Signature	Canadian Ratification (Deposit)
24	Agreement. British war cemeteries and graves in Egypt. Canada, Australia, India, New Zealand, South Africa, United Kingdom, and Egypt.	Cairo, June 2, 1937	Not required
14	Convention. Abolition of the capitulations in Egypt. Australia, Belgium, Denmark, France, Greece, India, Irish Free State, Italy, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom, United States of America, and Egypt. Exchange of Notes regarding the acceptance in advance by Canada of the provisions of the Convention.	Montreux, May 8, 1937 London, April 14, 1937, and Montreux, April 19, 1937	Not required Not required
6	Convention (International Labour Conference). Marking of the weight on heavy packages transported by vessels. Canada, Australia, Belgium, Bulgaria, Chile, China, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, India, Italy, Japan, Lithuania, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Poland, Portugal, Roumania, South Africa, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.	Geneva, June 21, 1929	Geneva, June 30, 1938
5	Convention (International Labour Conference). Seamen's Articles of Agreement. Canada, Australia, Belgium, Bulgaria, Chile, China, Colombia, Cuba, Estonia, France, Germany, India, Ireland, Italy, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Poland, Spain, United Kingdom, Uruguay, Yugoslavia.	Geneva, June 24, 1926	Geneva, June 30, 1938
19	Convention. Transfer to the French state of the property in the site of British monuments commemorative of the war 1914-1918. Canada, Australia, New Zealand, United Kingdom, and France.	Paris, December 28, 1938	Not required.
17	Inter-American Arrangement. Radiocommunications. Canada, Brazil, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Hayti, Mexico, Nicaragua, Panama, Peru, United States of America, Uruguay, Venezuela.	Havana, December 13, 1937	Havana, December 22, 1938
18	Inter-American Convention. Radiocommunications..... Canada, Brazil, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Hayti, Mexico, Nicaragua, Panama, Peru, United States of America, Uruguay, Venezuela.	Havana, December 13, 1937	Havana, December 22, 1938

GENERAL TREATIES TO WHICH CANADA IS A PARTY

No.	Nature of Instrument	Place and date of	
		Signature	Canadian Ratification (Deposit)
23	<p>International Agreement. Modifying the international convention of June 21, 1920, for the establishment of an International Institute of Refrigeration. Argentine Republic, Australia, Belgium, Brazil, Bulgaria, China, Cuba, Czechoslovakia, Denmark, Finland, France, (with Algeria, French West African Colonies, Madagascar and Tunis), Germany, Greece, India, Italy (with Eritrea, Cyrenaica, Tripoli and Somaliland), Japan, Luxemburg, Netherlands (with Netherlands Indies), New Zealand, Norway, Poland, Roumania, South Africa, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, Uruguay, Yugoslavia. Adherence of Canada notified.</p>	<p>Paris, May 31, 1937</p>	Not required
21	<p>International Agreement. Regulation of whaling. Argentine Republic, Australia, Germany, Irish Free State, New Zealand, Norway, South Africa, United Kingdom, United States of America. Accession of Canada notified.</p>	<p>Paris, January 25, 1938</p>	Not required
	<p>Certificate of extension of the agreement.</p>	<p>London, June 8, 1937</p>	Not required
		<p>London, June 14, 1938</p>	Not required
		<p>London, June 29, 1938</p>	Not required
3	<p>Protocol. Immunities of the Bank for International Settlements. Canada, Australia, Belgium, France, Greece, India, Italy, Japan, New Zealand, Poland, Portugal, Roumania, Switzerland, Union of South Africa, United Kingdom.</p>	<p>Brussels, July 30, 1936</p>	Brussels, January 20, 1938

TREATIES, ETC., WITH THE FOLLOWING COUNTRIES IN ALPHABETICAL ORDER

No.	Nature of Instrument	Place and date of	
		Signature	Ratification (Exchange)
25	Bulgaria. Exchange of Notes. Certain provisions of the Treaty of Neuilly (1919) and the Convention of Lausanne regarding the fron- tiers of Thrace (1923).	Sofia, August 12 and December 1, 1938	Not required
1	France. Convention for the abolition of capitulations in Morocco and Zanzibar. Provisions respecting Morocco accepted by Canada by an Exchange of Notes.	London, July 29, 1937 Paris, July 30 and August 7, 1937	Paris, December 1, 1937 Not required
11	Greece. Convention regarding legal proceedings in civil and commercial matters. Extended to Canada as from July 1, 1938, by an Exchange of Notes.	London, February 27, 1936 Athens, June 1 and 4, 1938	Athens, November 16, 1937 Not required
16	Hayti. Trade agreement.	Port-au-Prince, April 23, 1937	Port-au-Prince, December 8, 1938
12	Iraq. Convention regarding legal proceedings in civil and commercial matters. Extended to Canada as from July 1, 1938, by an Exchange of Notes.	Bagdad, July 25, 1935 Bagdad, June 1 and 19, 1938	London, November 18, 1936 Not required
2	Netherlands Indies. Exchange of Notes. Prevention of double taxation of income.	Ottawa, April 2, 1938	Not required
13	New Zealand. Trade Agreement. Extended until September 30, 1939, as modified in November 1935 and September 1937.	Ottawa and Wellington, April 23, 1932	Not required
8	United States of America..... Exchange of Notes. Air navigation.	Washington, July 28, 1938	Not required
10	United States of America. Exchange of Notes. Certificates of airworthiness for export.	Washington, July 28, 1938	Not required
7	United States of America. Exchange of Notes. Extension for one year as from July 1, 1938, of the agreement of September 15-16, 1932, as amended in 1935, concerning flights of military aircraft.	Ottawa, June 18 and 20, 1938	Not required
9	United States of America. Exchange of Notes. Issuance of certificates of competency or licences for the piloting of civil aircraft.	Washington, July 28, 1938	Not required
20	United States of America. Exchange of Notes. Issue of appendix certificates of tonnage to United States passenger vessels.	Washington, December 28, 1937, and February 15 and 25, 1938	Not required

TREATIES, ETC., WITH THE FOLLOWING COUNTRIES IN ALPHABETICAL ORDER

No.	Nature of Instrument	Place and date of	
		Signature	Ratification (Exchange)
22	United States of America. Exchange of Notes. Radio communications between British Columbia and Alaska.	Washington, June 9, July 11 and 18, August 22, September 27, November 16, and December 20, 1938	Not required
4	Uruguay. Exchange of Notes. Extension for six months as from April 30, 1938, of the commercial "modus vivendi" of 1936.	Montevideo, April 21 and 23, 1938	Not required
15	Uruguay. Exchange of Notes. Extension for six months as from November 1, 1938, of the commercial "modus vivendi" of 1936.	Montevideo, October 28, November 11 and 15, 1938	Not required

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CANADA
—
TREATY SERIES, 1938
No. 1

EXCHANGE OF NOTES
(July 30 and August 7, 1937)

RELATIVE TO THE
CONVENTION

BETWEEN

HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM

AND

THE PRESIDENT OF THE FRENCH REPUBLIC

FOR THE

ABOLITION OF CAPITULATIONS IN
MOROCCO AND ZANZIBAR

Signed at London July 29, 1937

—
IN FORCE JANUARY 1, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938



EXCHANGE OF NOTES

(July 30 and August 7, 1937)

RELATIVE TO THE

CONVENTION

BETWEEN

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1938

**EXCHANGE OF NOTES (JULY 30 AND AUGUST 7, 1937) RELATIVE
TO THE CONVENTION BETWEEN HIS MAJESTY IN RESPECT
OF THE UNITED KINGDOM AND THE PRESIDENT OF THE
FRENCH REPUBLIC**

(Translation)

From the Canadian Minister at Paris to the French Minister for Foreign Affairs

CANADIAN LEGATION

No. 57

PARIS, July 30, 1937.

EXCELLENCY,

With reference to the Convention which has just been concluded at London, on July 29, 1937, between His Majesty in respect of the United Kingdom and the President of the French Republic, relating to the termination of British extra-territorial rights in Morocco, I have the honour, on behalf of my Government, to inform you that His Majesty's Government in Canada accepts the terms of this Convention concerning Morocco, it being understood that it will have the privilege of availing itself of the same rights as this Convention confers on His Majesty's Government in the United Kingdom.

I avail myself, etc.,

PHILIPPE ROY

(Translation)

From the French Minister for Foreign Affairs to the Canadian Minister at Paris

MINISTRY FOR FOREIGN AFFAIRS,

PARIS, August 7, 1937.

SIR,

By letter No. 57 dated last July 30th, you were good enough to inform me that the Government of Canada accepts the provisions of the Convention signed at London on the 29th of the same month, relative to the abolition of rights of a capitulatory nature in Morocco, it being understood that this Government will have the privilege of availing itself of the rights which the said Convention confers on the Government of the United Kingdom of Great Britain and Northern Ireland.

I have the honour to acknowledge receipt of this communication, with which the Government of the Republic concurs.

I avail myself, etc.,

C. CHAUTEMPS

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND THE PRESIDENT OF THE FRENCH REPUBLIC FOR THE ABOLITION OF CAPITULATIONS IN MOROCCO AND ZANZIBAR

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, acting in his own name and on behalf of His Majesty the Sultan of Morocco;

Whereas the present special régime applicable in the French Zone of the Shereefian Empire to British consuls, nationals, and institutions is no longer in accordance with the present state of that zone;

And whereas His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in view of the convention signed at Montreaux on the 8th day of May, 1937, relating to the abolition of the Capitulations in Egypt, desires to give effect as regards the French Zone of Morocco to the Declaration of the 8th April, 1904, relating to Egypt and Morocco;

And whereas both High Contracting Parties are also desirous of modifying certain treaties applicable to Zanzibar so as to render them more in conformity with existing conditions;

Have accordingly decided to conclude a convention for this purpose and have appointed as their plenipotentiaries:

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty The King):

For Great Britain and Northern Ireland:

The Right Honourable Anthony Eden, M.C., M.P., His Majesty's Principal Secretary of State for Foreign Affairs;

The President of the French Republic:

His Excellency Monsieur Charles Corbin, Ambassador Extraordinary and Plenipotentiary of the French Republic in London;

Who, having deposited their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1

His Majesty The King renounces all rights and privileges of a capitulatory character in the French Zone of the Shereefian Empire.

ARTICLE 2

British subjects, British-protected persons and British companies in the French Zone of the Shereefian Empire shall be subject to the jurisdiction of the same tribunals as French citizens and French companies.

In their recourse to such tribunals British subjects, British-protected persons and British companies shall be subject to the same conditions as French citizens and French companies.

After the expiry of ten years from the date of the coming into force of the present convention, the provisions of the second paragraph of this article cannot be invoked, unless the subjects of His Majesty the Sultan of Morocco and companies duly incorporated under the law of the French Zone of the Shereefian Empire enjoy in the United Kingdom the treatment of the most-favoured-nation as regards the matter referred to in that paragraph.

ARTICLE 3

In respect of matters occurring before the entry into force of the present convention, laws and regulations of the French Zone of the Shereefian Empire shall only be applied to British subjects, British-protected persons, British companies and British ships in cases where in accordance with the existing practice such laws and regulations were then applicable to them.

Duties and taxes, however, payable under legislation, enacted less than one year before the date of the entry into force of the present convention and not yet made applicable by regulations of the British consular authorities, may be recovered from British subjects, British-protected persons and British companies.

British subjects, British-protected persons and British companies shall not be sued in the courts of the French Zone for taxation or duties of any kind which became due more than two years before the coming into force of this convention.

ARTICLE 4

The British courts at present exercising jurisdiction in the French Zone of the Shereefian Empire shall continue to deal with the cases regularly instituted before them before the entry into force of the present convention until these cases are finally completed.

Decisions, given by the said courts within the limits of their jurisdiction and which are final, shall be recognised as having the force of *res judicata* by the authorities of the French Zone of the Shereefian Empire. Certificates given by the British consular officers to the effect that the said decisions are final will be accepted.

His Majesty The King undertakes to retain in Morocco all the judicial records of the British consular courts. These records shall be made available to the tribunals of the French Zone of the Shereefian Empire wherever these tribunals require them for the purpose of cases within their jurisdiction. Certified copies of these records will be furnished on request to the said tribunals, the competent authorities of the zone and to any other properly interested party.

ARTICLE 5

Subject to the provisions of paragraphs 2 and 3 below, no person owing allegiance to His Majesty the Sultan of Morocco can claim in the French Zone of the Shereefian Empire the protection of His Majesty The King.

Natives of the French Zone of the Shereefian Empire, who at the date of the entry into force of the present convention enjoy British protection, either as employees of a British consulate or as semsars, shall for the remainder of their life be justiciable by the French tribunals of the Shereefian Empire except as regards matters coming within the jurisdiction of the Moslem or Jewish religious courts. A list of these persons shall be drawn up within six months of the coming into force of the present convention by agreement between the French Residency-General and the British Consulate-General at Rabat. This list shall include the wives and minor children of these persons living under the same roof, and the provisions of this paragraph shall apply in the case of the wives during the lifetime of their husbands, and in the case of the children until the death of their fathers or until their majority, whichever happens earliest.

The persons enumerated in the annex to the present convention shall also enjoy the benefit of the provisions of paragraph 2 above.

ARTICLE 6

The British post offices in the French Zone of the Shereefian Empire will be closed at the date which shall be notified to the Residency-General at Rabat by the British Consulate-General and in any case not later than thirty days after the entry into force of the present convention.

ARTICLE 7

British subjects, British-protected persons and British companies will enjoy in the French Zone of the Shereefian Empire the same personal and private rights (*droits privés*) as French citizens and French companies. They shall have the same guarantees for the protection of person and property.

ARTICLE 8

British subjects and British-protected persons shall not be subject in the French Zone of the Shereefian Empire to any compulsory personal military service nor to any tax or payment in lieu of such service.

After the expiry of ten years from the date of the entry into force of the present convention, the provisions of the present article cannot be invoked unless the subjects of His Majesty the Sultan of Morocco enjoy in the United Kingdom the treatment of the most favoured nation as regards the matter referred to in this article.

ARTICLE 9

Extracts from "casier judiciaire" shall be delivered to British subjects and British-protected persons resident in the French Zone of Morocco in the same conditions as to French citizens. In order to enable the competent authorities of the zone to deliver such extracts, the British consular authorities in the zone will supply to these authorities certificates as regards convictions, if any, pronounced by the British consular courts in Morocco.

ARTICLE 10

His Majesty The King shall have the right to maintain consulates at any place in the French Zone of the Shereefian Empire where British consulates are at present established. The establishment of new consulates at other places in the said zone shall be subject to the agreement of the Governments of both High Contracting Parties.

British consular officers in the French Zone shall enjoy privileges and immunities not less favourable than those accorded to British consular officers in France or to the consular officers of any other Power in Morocco.

Neither this article nor article 20 of the General Treaty signed at Tangier on the 9th December, 1856, on behalf of Her late Majesty The Queen of the United Kingdom of Great Britain and Ireland and His late Majesty the Sultan of Morocco and Fez, shall, however, entitle His Majesty The King to claim jurisdictional privileges accorded on the basis of existing treaties concluded by His Majesty the Sultan of Morocco and the United States of America.

ARTICLE 11

British schools of every grade shall continue to enjoy in the French Zone, especially in regard to the teaching of English, the same liberty as hitherto. They will be subject to the laws relating to State control which are applicable to all European schools in the French Zone.

ARTICLE 12

Article 4, paragraph 1, of the General Treaty signed at Tangier on the 9th December, 1856, does not affect the right of the authorities of the French Zone of the Shereefian Empire to regulate admittance and immigration into the territory or to expel persons for reasons of police or public order or to apply immigration regulations, provided that there is no discrimination against British subjects or British-protected persons.

Nevertheless, British subjects and British-protected persons who have been resident in the French Zone of Morocco for more than five years shall not be expelled unless—

- (a) They have committed a crime or offence punishable with more than three months' imprisonment.
- (b) They have been guilty of conduct prejudicial to public safety, public order, good morals or public health.
- (c) They are in such a state of indigence as to be a burden to the State.

The provisions of paragraph 2 of this article may be terminated at any time after the expiry of twenty years from the date of the coming into force of this convention by six months' notice.

ARTICLE 13

The powers conferred on British consular officers in the French Zone of the Shereefian Empire in matter of the estates of deceased persons by article 18 of the General Treaty signed at Tangier on the 9th December, 1856, are maintained.

Any disputes arising as regards the estates referred to in the said article shall be determined by the competent tribunals of the said zone in conformity with the provisions of laws of general application.

The provisions of this article may be terminated at any time after the expiry of twenty years from the date of the entry into force of the present convention by a six months' notice.

ARTICLE 14

The High Contracting Parties agree that the French decree of the 8th November, 1921, relating to French nationality in the French Zone of the Shereefian Empire, and the Dahir of the same date, relating to Moroccan nationality, are not applicable to British subjects or protected persons born before the date of the entry into force of the present convention.

If the French or Moroccan Governments should enact measures which would result in conferring French or Moroccan nationality by reason of birth or residence in the French Zone of the Shereefian Empire in any case where the above-mentioned decree would not have conferred French nationality, British subjects and protected persons affected by these enactments shall be freed from French or Moroccan nationality if they make a request to this effect in the year which follows their majority.

ARTICLE 15

The subjects of His Majesty the Sultan of Morocco and Moroccan vessels shall enjoy the same rights as French citizens and French ships in the United Kingdom of Great Britain and Northern Ireland, British colonies and in territories under the protection of His Majesty The King, and in mandated territories administered by the Government of the United Kingdom.

The expression "Moroccan vessels" means ships duly registered as such in a port of the French Zone of the Shereefian Empire.

ARTICLE 16

The provisions of all earlier Acts, treaties and conventions which are contrary to the preceding provisions of the present convention are abrogated as between the High Contracting Parties so far as the French Zone of the Shereefian Empire is concerned.

Articles 13 and 20 of the general Treaty signed at Tangier on the 9th December, 1856, cannot be invoked by His Majesty The King to claim the jurisdictional privileges enjoyed by the United States of America under treaties at present in force.

His Majesty The King renounces all rights in the French Zone of the Shereefian Empire under the Convention of Madrid of 1880.

ARTICLE 17

The French Republic renounces all rights and privileges of a capitulatory character in the territories of His Highness the Sultan of Zanzibar.

ARTICLE 18

French nationals (citizens, subjects and protected persons) and French companies shall be subject in the territories of the Sultan of Zanzibar to the jurisdiction of the same courts as British subjects and British companies.

In their recourse to such courts French nationals and French companies shall be subject to the same conditions as British subjects and British companies for so long as British subjects, British-protected persons and British companies enjoy in the French Zone of the Shereefian Empire the benefit of paragraph 2 of Article 2 of the present convention.

ARTICLE 19

French nationals (citizens, subjects and protected persons) and French companies will enjoy in the territories of His Highness the Sultan of Zanzibar the same rights as those accorded in the French Zone of the Shereefian Empire to British subjects, British-protected persons and British companies under Articles 7, 8 and 12 above and subject to the same conditions.

ARTICLE 20

French Consuls in the territories of His Highness the Sultan of Zanzibar shall enjoy privileges and immunities not less favourable than those accorded to French consular officers in the United Kingdom or those accorded to the consuls of any other Power in the territories of His Highness the Sultan of Zanzibar.

Neither Article 2 nor Article 5 of the treaty signed at Zanzibar on the 17th November, 1844, with His Highness the Sultan of Muscat and dependencies shall entitle the French Republic to claim in the territories of His Highness the Sultan of Zanzibar jurisdictional privileges or personal privileges for French consuls or French nationals on the basis of privileges claimed or granted to other Powers in virtue of existing treaties concluded by His Highness the Sultan of Muscat.

ARTICLE 21

French schools shall continue to enjoy in the territories of the Sultan of Zanzibar the same freedom as in the past, particularly in regard to the teaching of French. They shall be subject to the laws relating to State control which are applicable to all European schools.

ARTICLE 22

The powers reserved by the Government of the French Republic as regards estates of deceased nationals for the benefit of French consuls in the territories of His Highness the Sultan of Zanzibar by the letter of the 13th May, 1904, shall be maintained.

All disputes that may arise as regards such estates shall be determined in the territories of His Highness the Sultan of Zanzibar by the competent tribunals in accordance with the provisions of laws of general application. French consuls shall not in any matter be cited before a native court in this capacity as administrator or liquidator of the estate of a French national.

The provisions of the present article may be terminated at any time after the expiry of twenty years from the date of the entry into force of the present convention by six months' notice.

ARTICLE 23

The following provisions of the Treaty signed at Zanzibar on the 17th November, 1844, with His Highness the Sultan of Muscat and dependencies, namely, Articles 3, 4, 6, 7, 8 and 9, are abrogated so far as the territories of His Highness the Sultan of Zanzibar are concerned.

ARTICLE 24

For the purposes of this convention the expression "British companies" means any company duly incorporated under the law of any territory under the sovereignty of His Majesty The King or of any territory under his protection, suzerainty or mandate, and the expression "British ships" means any ship duly registered in any of the above-mentioned territories.

The expression "French companies" means any company duly incorporated under the law of France or any French colony, protectorate or territory under mandate, and the expression "French ships" means any ship duly registered in any of the above-mentioned territories.

The expression "subject of His Majesty the Sultan of Morocco" only includes those of His Majesty's subjects who enjoy French diplomatic protection abroad.

The expression "territories of His Highness the Sultan of Zanzibar" means the territories referred to in the notes exchanged on the 13th and 18th May, 1904, between the Government of the United Kingdom and the Government of the French Republic.

ARTICLE 25

Any dispute between the High Contracting Parties relating to the interpretation or application of the provisions of the present convention, which they are unable to settle by diplomatic means, shall, on the application of one of them, be submitted to the Permanent Court of International Justice unless the High Contracting Parties agree on another method of settlement.

ARTICLE 26

The present convention shall be ratified.

The instruments of ratification shall be exchanged at Paris.

The present convention shall enter into force one calendar month after the date of the exchange of ratifications.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done this 29th day of July, 1937, at London, in duplicate, in English and French, both texts being equally authentic.

ANTHONY EDEN

CHARLES CORBIN

CANADA

TREATY SERIES, 1938

No. 2

EXCHANGE OF NOTES

(April 2, 1938)

RECORDING AN ARRANGEMENT

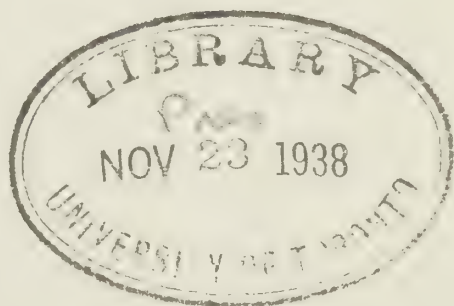
BETWEEN

CANADA AND THE NETHERLANDS INDIES

FOR THE

PREVENTION OF DOUBLE TAXATION OF INCOME

IN FORCE JANUARY 1, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

Price, 25 cents

EXCHANGE OF NOTES

(April 2, 1938)

RECORDING AN ARRANGEMENT

BETWEEN

CANADA AND THE NETHERLANDS INDIES

FOR THE

PREVENTION OF DOUBLE TAXATION OF INCOME

IN FORCE JANUARY 1, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

EXCHANGE OF NOTES (APRIL 2, 1938) RECORDING AN ARRANGEMENT BETWEEN CANADA AND THE NETHERLANDS INDIES FOR THE PREVENTION OF DOUBLE TAXATION OF INCOME

The Consul General of the Netherlands in Canada to the Under-Secretary of State for External Affairs

CONSULATE GENERAL OF THE NETHERLANDS

OTTAWA, April 2, 1938.

SIR,

With reference to our discussions respecting negotiation of an arrangement for the prevention of double taxation of income as between Canada and the Netherlands Indies, I have the honour to inform you that the Governor General of the Netherlands Indies will designate Canada as one of the countries referred to in Article 6, Paragraph I, of the Order of the 5th May, 1934, *Netherlands Indian Gazette* No. 291, provided the Canadian Government, on its part, will issue instructions to its Officers applying Section 8, Chapter 97, R.S.C. 1927, as amended, to income derived from sources within the Netherlands Indies.

If this arrangement is satisfactory to your Government, I should propose that it be deemed to have come into effect on January 1, 1938.

I have the honour, etc.

J. A. SCHUURMAN

Consul General of the Netherlands.

The Under-Secretary of State for External Affairs to the Consul General of the Netherlands in Canada

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, April 2, 1938.

SIR,

I have the honour to acknowledge the receipt of your communication of to-day's date respecting the negotiation of an arrangement for the prevention of double taxation on income as between Canada and Netherlands Indies, and to state that the Canadian Government accepts the proposal which you have made therein on behalf of your Government. Accordingly instructions will be issued to its Officers applying Section 8, Chapter 97, R.S.C. 1927 to income derived from sources within the Netherlands Indies.

The Canadian Government further agrees that this arrangement shall be deemed to have come into effect on January 1, 1938.

I have the honour, etc.

O. D. SKELTON

Under-Secretary of State for External Affairs.

Dr. Doe
25
CANADA

TREATY SERIES, 1938

No. 3

PROTOCOL

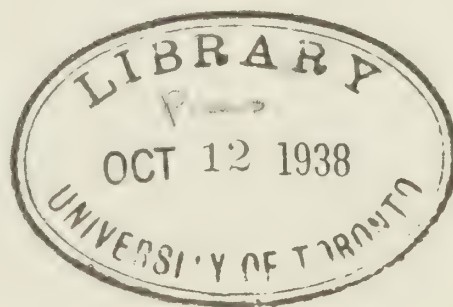
REGARDING

THE IMMUNITIES OF THE BANK FOR
INTERNATIONAL SETTLEMENTS

Signed at Brussels July 30, 1936

Canadian Ratification deposited January 20, 1938

IN FORCE JANUARY 20, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

Price, 25 cents

PROTOCOL

REGARDING

THE IMMUNITIES OF THE BANK FOR INTERNATIONAL SETTLEMENTS

Signed at Brussels July 30, 1936

PROTOCOLE

RELATIF AUX

IMMUNITÉS DE LA BANQUE DES RÈGLEMENTS INTERNATIONAUX

Signé à Bruxelles le 30 juillet 1936



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

PROTOCOL REGARDING THE IMMUNITIES OF THE BANK FOR INTERNATIONAL SETTLEMENTS

Brussels, July 30, 1936

PROTOCOL

THE duly authorized representatives of the Government of His Majesty the King of the Belgians, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, the Government of the Commonwealth of Australia, the Government of New Zealand, the Government of the Union of South Africa, the Government of India, the Government of the French Republic, the Government of His Majesty the King of the Hellenes, the Government of His Majesty the King of Italy, the Government of His Majesty the Emperor of Japan, the Government of the Republic of Poland, the Government of the Republic of Portugal, the Government of His Majesty the King of Roumania, the Government of the Swiss Confederation, the Government of His Majesty the King of Yugoslavia;

Whereas in accordance with Article X, paragraph 2, of the Agreement with Germany, which was signed at The Hague on the 20th January, 1930, and has duly come into force, their respective Governments (with the exception of the Swiss Confederation) have conferred upon the Bank for International Settlements, the establishment of which was laid down by the Experts' Plan of the 7th June, 1929, certain immunities regarding its property and assets as well as those which might be entrusted to it;

And whereas by a Convention, signed at The Hague on the same date as that above mentioned and having acquired the force of law in Switzerland, the Government of the Swiss Confederation has undertaken towards the Governments of Germany, Belgium, France, the United Kingdom of Great Britain and Northern Ireland, Italy and Japan to grant to the said Bank for International Settlements, in the event of its establishment at Basle, a Constituent Charter conferring upon it in accordance with Article X immunities similar to those laid down by Article X, paragraph 2, of the Agreement with Germany;

And whereas, since Article X, paragraph 2, of the Agreement with Germany and Article X of the Constituent Charter consecutive to the Convention with the Swiss Confederation only imperfectly express the intention of the contracting Parties and are liable to give rise to difficulties of interpretation, it is important to define the scope of the said articles and to substitute for the terms employed expressions which are clearer and more capable of assuring to the operations of the Bank for International Settlements the immunities which are indispensable to the accomplishment of its task;

Have agreed as follows:—

ARTICLE 1.

The Bank for International Settlements, its property and assets, as well as all the property and assets which are or will be entrusted to it, whether coin or other fungible goods, gold bullion, silver or any other metal, precious objects, securities or any other objects the deposit of which is admissible in accordance with banking practice, are exempt from the provisions or measures referred to in paragraph 2 of Article X of the Agreement with Germany and in Article X of the Constituent Charter consecutive to the Convention with Switzerland of the 20th January, 1930.

PROTOCOLE RELATIF AUX IMMUNITÉS DE LA BANQUE DES RÈGLEMENTS INTERNATIONAUX

Bruxelles le 30 juillet 1936

PROTOCOLE

LES représentants dûment autorisés du Gouvernement de Sa Majesté le Roi des Belges, du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, du Gouvernement du Canada, du Gouvernement du Commonwealth d'Australie, du Gouvernement de la Nouvelle-Zélande, du Gouvernement de l'Union de l'Afrique du Sud, du Gouvernement de l'Inde, du Gouvernement de la République française, du Gouvernement de Sa Majesté le Roi des Hellènes, du Gouvernement de Sa Majesté le Roi d'Italie, du Gouvernement de Sa Majesté l'Empereur du Japon, du Gouvernement de la République de Pologne, du Gouvernement de la République du Portugal, du Gouvernement de Sa Majesté le Roi de Roumanie, du Gouvernement de la Confédération suisse, du Gouvernement de Sa Majesté le Roi de Yougoslavie;

Considérant qu'à l'Article X, alinéa 2, de l'Accord avec l'Allemagne, signé à La Haye le 20 janvier 1930 et dûment entré en vigueur, leurs Gouvernements respectifs (à l'exception de la Confédération suisse) ont conféré à la Banque des Règlements internationaux, dont la constitution a été prévue par le Plan des Experts du 7 juin 1929, certaines immunités en ce qui concerne ses biens et avoirs ainsi que ceux qui lui seraient confiés;

Que par une Convention, signée à La Haye, à la même date que ci-dessus, et ayant acquis force de loi en Suisse, le Gouvernement de la Confédération suisse s'est engagé envers les Gouvernements de l'Allemagne, de la Belgique, de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de l'Italie et du Japon, à octroyer à ladite Banque des Règlements internationaux, dans le cas de son établissement à Bâle, une charte constitutive lui conférant à l'Article X des immunités similaires à celles prévues à l'Article X, alinéa 2, de l'Accord avec l'Allemagne;

Que l'Article X, alinéa 2, de l'Accord avec l'Allemagne et l'Article X de la charte constitutive faisant suite à la Convention avec la Confédération suisse n'exprimant qu'imparfaitement l'intention des Parties contractantes et pouvant soulever des difficultés d'interprétation, il importe de préciser la portée desdits articles et de substituer aux termes employés des expressions plus claires et plus aptes à garantir aux opérations de la Banque des Règlements internationaux les immunités indispensables à l'accomplissement de sa tâche;

Sont convenus des dispositions suivantes:

ARTICLE 1er

Sont exempts des dispositions ou mesures visées à l'Article X, alinéa 2, de l'Accord avec l'Allemagne et à l'Article X de la charte constitutive faisant suite à la Convention avec la Suisse du 20 janvier 1930, la Banque des Règlements internationaux, ses biens et avoirs ainsi que tous les biens et avoirs qui lui sont ou seront confiés, qu'il s'agisse de numéraires ou autres biens fongibles, de lingots d'or, d'argent ou de tout autre métal, de matières précieuses, de titres ou de tous autres objets dont le dépôt est admis par la pratique bancaire.

The property and assets of third parties, held by any other institution or person, on the instructions, in the name or for the account of the Bank for International Settlements, shall be considered as entrusted to the Bank for International Settlements and as enjoying the immunities laid down by the articles above mentioned by the same right as the property and assets which the Bank for International Settlements holds for the account of others, in the premises set apart for this purpose by the Bank, its branches or agencies.

ARTICLE 2.

The present Protocol will come into force, for each contracting Party, on the date of deposit of its instrument of ratification at the Belgian Ministry for Foreign Affairs and Foreign Trade. It will come into force immediately in respect of such contracting Parties as may declare at the time of signing the Convention that they renounce the procedure of ratification.

ARTICLE 3.

The non-signatory Governments which are or may be Parties to the Agreement with Germany, signed at The Hague on the 20th January, 1930, may accede to the present Convention.

Any Government desiring to accede must notify its intention in writing to the Belgian Government, transmitting the document notifying its accession.

ARTICLE 4.

The Governments not signatories of the Agreement with Germany signed at The Hague on the 20th January, 1930, may become Parties to the present Convention by signing, subject to ratification if necessary, the original of this Convention, which will remain deposited in the archives of the Belgian Ministry for Foreign Affairs and Foreign Trade. The signature thus appended by a Government not a signatory to the Agreement with Germany will imply accession to Articles X and XV of the Agreement with Germany of the 20th January, 1930, as well as to Annex XII of the same Agreement, laying down the procedure before the Arbitral Tribunal, to whose jurisdiction the Governments in question will thus have submitted themselves, so far as concerns the application and interpretation of the said Article X and of the present Convention.

ARTICLE 5.

The Belgian Government will forward to all signatory Governments, as well as to the Bank for International Settlements, a certified copy of the present Convention, of the report of the depositing of the first ratifications, the later ratifications and the notifications of accession contemplated by the preceding article.

ARTICLE 6.

The present Convention has been drawn up in the French and English languages in one single copy which will remain deposited in the archives of the Belgian Government.

Seront considérés comme confiés à la Banque des Règlements internationaux, et jouissant des immunités prévues aux articles précités, au même titre que les biens et avoirs qu'elle détiendra, pour le compte d'autrui, dans les immeubles affectés à cet usage par elle, ses succursales ou agences, les biens et avoirs de tiers qui seront détenus par toute autre institution ou personne, sur les instructions, au nom et pour le compte de la Banque des Règlements internationaux.

ARTICLE 2.

Le présent Protocole entrera en vigueur, pour chaque Partie contractante, à la date du dépôt de son instrument de ratification au Ministère des Affaires étrangères et du Commerce extérieur de Belgique. Il entrera en vigueur immédiatement pour les Parties contractantes qui, lors de la signature, auront déclaré renoncer à la procédure de ratification.

ARTICLE 3.

Les Gouvernements non signataires qui seraient Parties à l'Accord avec l'Allemagne signé à La Haye le 20 janvier 1930, pourront adhérer à la présente Convention.

Le Gouvernement qui désire adhérer notifie par écrit son intention au Gouvernement belge en lui transmettant l'acte d'adhésion.

ARTICLE 4.

Les Gouvernements non signataires de l'Accord avec l'Allemagne signé à La Haye le 20 janvier 1930, pourront adhérer à la présente Convention en signant, sous réserve de ratification s'il y a lieu, l'original de cette Convention qui restera déposé à la Chancellerie du Ministère des Affaires étrangères et du Commerce extérieur de Belgique. La signature ainsi apposée par un Gouvernement non signataire des Accords de La Haye impliquera adhésion aux Articles X et XV de l'Accord avec l'Allemagne du 20 janvier 1930, ainsi qu'à l'Annexe XII dudit Accord réglant la procédure, devant le Tribunal arbitral à la juridiction duquel les Gouvernements en question se seront ainsi soumis, pour l'application et l'interprétation dudit Article X et de la présente Convention.

ARTICLE 5.

Le Gouvernement belge remettra à tous les Gouvernements signataires, ainsi qu'à la Banque des Règlements internationaux, une copie certifiée conforme de la présente Convention, du procès-verbal du dépôt des premières ratifications, des ratifications ultérieures ainsi que des déclarations d'adhésion prévues aux articles qui précèdent.

ARTICLE 6.

La présente Convention a été rédigée en langues française et anglaise en un seul exemplaire qui restera déposé dans les archives du Gouvernement belge.

Done at Brussels on the 30th July, 1936. Fait à Bruxelles, le 30 juillet 1936.

For Belgium	P. H. SPAAK*	Pour la Belgique
For Great Britain and Northern Ireland	ESMOND OVEY	Pour la Grande-Bretagne et l'Irlande du Nord
For Canada	ESMOND OVEY	Pour le Canada
For Australia	ESMOND OVEY	Pour l'Australie
For New Zealand	ESMOND OVEY*	Pour la Nouvelle-Zélande
For the Union of South Africa	VAN BROEKHUIZEN*	Pour l'Union de l'Afrique du Sud
For India	ESMOND OVEY	Pour l'Inde
For France	J. LAROCHE	Pour la France
For Greece		Pour la Grèce
For Italy		Pour l'Italie
For Japan		Pour le Japon
For Poland	JACKOWSKI	Pour la Pologne
For Portugal	(<i>Ad referendum</i>) AUGUSTO DE CASTRO	Pour le Portugal
For Roumania	D. I. GHIKA	Pour la Roumanie
For Switzerland	FRÉDÉRIC BARBEY	Pour la Suisse
For Yugoslavia	ILIYA MILIKITCH*	Pour la Yougoslavie

*With a declaration of renunciation of the procedure of ratification.
Avec une déclaration de renonciation à la procédure de ratification.

CANADA

TREATY SERIES, 1938

No. 4

EXCHANGE OF NOTES

(April 21 and 23, 1938)

PROLONGING

FOR SIX MONTHS THE COMMERCIAL
"MODUS VIVENDI" OF 1936

BETWEEN

CANADA

AND

URUGUAY

IN FORCE APRIL 30, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

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**EXCHANGE OF NOTES (APRIL 21 AND 23, 1938) PROLONGING FOR
SIX MONTHS THE COMMERCIAL "MODUS VIVENDI" OF 1936
BETWEEN CANADA AND URUGUAY**

(Translation)

*The Minister of Foreign Affairs of Uruguay to the British Minister
at Montevideo*

MINISTRY OF FOREIGN AFFAIRS

MONTEVIDEO, 21st April, 1938.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of your Excellency's Note of the 11th instant informing this Department of State that the Department of External Affairs at Ottawa has been duly informed that the Government of the Republic accepts the proposal of the Government of Canada to renew the "Modus Vivendi" for six months from the 15th April.

Your Excellency's Note also states that your Legation has received a telegram from the above-mentioned Department informing it that the absence of several Ministers for the Easter Parliamentary recess makes it impossible to pass the necessary Order in Council before the 15th April; and that the Canadian Government would therefore appreciate very much if the Government of the Republic would agree to renew the "Modus Vivendi" for six months, from the 30th April, instead of the 15th April, subject to earlier termination by the coming into force of the Trade Agreement concluded between the two countries.

I have pleasure in informing you that this Government likewise accepts the new proposal of the Canadian Government, namely to renew the "Modus Vivendi" for six months from the 30th April.

I am, etc.

JOSÉ ESPALTER

*The British Minister at Montevideo to the Minister of Foreign
Affairs of Uruguay*

BRITISH LEGATION

No. 39

MONTEVIDEO, 23rd April, 1938.

MONSIEUR LE MINISTRE,

I have the honour to inform your Excellency that upon the receipt of your Note of the 21st April, I duly informed the Department of External Affairs at Ottawa that the Government of the Republic concurred in the proposal of the Canadian Government to renew the "Modus Vivendi" for six months from the 30th April, subject to earlier termination by the coming into force of the Trade Agreement concluded between the two countries.

In asking that this Note and your Excellency's Note under reference shall be regarded as a formal declaration of the agreement of the Government of the Republic and of that of Canada to the extension in question, I avail myself, etc.

E. MILLINGTON-DRAKE

107. Doc
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CANADA

TREATY SERIES, 1938

No. 5

INTERNATIONAL LABOUR CONFERENCE

DRAFT CONVENTION

CONCERNING

SEAMEN'S ARTICLES OF AGREEMENT

Adopted at Geneva June 24, 1926

Canadian Ratification deposited June 30, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

Price, 25 cents

International Labour Conference

DRAFT CONVENTION CONCERNING SEAMEN'S ARTICLES OF AGREEMENT

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to seamen's articles of agreement, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-fourth day of June of the year one thousand nine hundred and twenty-six, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace:

ARTICLE 1

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to:

- ships of war,
- Government vessels not engaged in trade,
- vessels engaged in the coasting trade,
- pleasure yachts,
- Indian country craft,
- fishing vessels,
- vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

ARTICLE 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz.:

(a) The term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation.

(b) The term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

(c) The term "master" includes every person having command and charge of a vessel except pilots.

Conférence Internationale du Travail

PROJET DE CONVENTION CONCERNANT LE CONTRAT D'ENGAGEMENT DES MARINS

La Conférence générale de l'Organisation internationale du Travail de la Société des Nations,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 7 juin 1926, en sa neuvième session,

Après avoir décidé d'adopter diverses propositions relatives au contrat d'engagement des marins, question comprise dans le premier point de l'ordre du jour de la session, et

Après avoir décidé que ces propositions prendraient la forme d'un projet de convention internationale,

adopte, ce vingt-quatrième jour de juin mil neuf cent vingt-six, le Projet de Convention ci-après, à ratifier par les Membres de l'Organisation internationale du Travail conformément aux dispositions de la Partie XIII du Traité de Versailles et des parties correspondantes des autres Traités de Paix:

ARTICLE 1

La présente Convention s'applique à tous les navires de mer immatriculés dans le pays de l'un des Membres ayant ratifié la présente Convention et aux armateurs, capitaines et marins de ces navires.

Elle ne s'applique pas:

- aux navires de guerre,
- aux navires d'Etat n'ayant pas une affectation commerciale,
- aux navires affectés au cabotage national,
- aux yachts de plaisance,
- aux bâtiments compris sous la dénomination de « Indian country craft »,
- aux bateaux de pêche,
- aux bâtiments d'une jauge brute inférieure à 100 tonneaux ou 300 mètres cubes et, s'il s'agit de navires affectés au « home trade », d'une jauge inférieure à la limite fixée pour le régime particulier de ces navires par la législation nationale en vigueur au moment de l'adoption de la présente Convention.

ARTICLE 2

En vue de l'application de la présente Convention, les termes suivants doivent être entendus comme suit:

a) le terme « navire » comprend tout navire ou bâtiment de quelque nature qu'il soit, de propriété publique ou privée, effectuant habituellement une navigation maritime;

b) le terme « marin » comprend toute personne employée ou engagée à bord, à quelque titre que ce soit, et figurant au rôle d'équipage, à l'exception des capitaines, des pilotes, des élèves des navires-écoles, des apprentis lorsqu'ils sont liés par un contrat spécial d'apprentissage; il exclut les équipages de la flotte de guerre et les autres personnes au service permanent de l'Etat;

c) le terme « capitaine » comprend toute personne ayant le commandement et la charge d'un navire, à l'exception des pilotes;

(d) The term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

ARTICLE 3

Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seaman and also to his adviser.

The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

National law shall make adequate provision to ensure that the seaman has understood the agreement.

The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

ARTICLE 4

Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

This Article shall not be interpreted as excluding a reference to arbitration.

ARTICLE 5

Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

The document shall not contain any statement as to the quality of the seaman's work or as to his wages.

ARTICLE 6

The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

The agreement shall state clearly the respective rights and obligations of each of the parties.

It shall in all cases contain the following particulars:

- (1) The surname and other names of the seaman, the date of his birth or his age, and his birthplace;
- (2) The place at which and date on which the agreement was completed;
- (3) The name of the vessel or vessels on board which the seaman undertakes to serve;
- (4) The number of the crew of the vessel, if required by national law;
- (5) The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;

d) le terme « navires affectés au home trade » s'applique aux navires affectés au commerce entre les ports d'un pays donné et les ports d'un pays voisin dans les limites géographiques fixées par la législation nationale.

ARTICLE 3

Le contrat d'engagement est signé par l'armateur ou son représentant et par le marin. Des facilités doivent être données au marin, et, éventuellement, à son conseiller pour examiner le contrat d'engagement avant que celui-ci soit signé.

Les conditions dans lesquelles le marin signe le contrat doivent être fixées par la législation nationale de manière à assurer le contrôle de l'autorité publique compétente.

Les dispositions qui précèdent, concernant la signature du contrat, sont considérées comme observées s'il est établi par un acte de l'autorité compétente que les clauses du contrat ont été présentées par écrit à cette autorité et qu'elles ont été confirmées à la fois par l'armateur ou son représentant et par le marin.

La législation nationale doit prévoir des dispositions pour garantir que le marin comprend le sens des clauses du contrat.

Le contrat ne doit contenir aucune disposition qui soit contraire à la législation nationale ou à la présente convention.

La législation nationale doit prévoir toutes autres formalités et garanties concernant la conclusion du contrat jugées nécessaires pour protéger les intérêts de l'armateur et du marin.

ARTICLE 4

Des mesures appropriées doivent être prises, en conformité de la législation nationale, pour garantir que le contrat d'engagement ne contienne aucune clause par laquelle les parties conviendraient à l'avance de déroger aux règles normales de compétence des juridictions.

Cette disposition ne doit pas être interprétée comme excluant le recours à l'arbitrage.

ARTICLE 5

Tout marin doit recevoir un document contenant la mention de ses services à bord du navire. La législation nationale doit déterminer la forme de ce document, les mentions qui doivent y figurer et les conditions dans lesquelles il doit être établi.

Ce document ne peut contenir aucune appréciation de la qualité du travail du marin et aucune indication sur ses salaires.

ARTICLE 6

Le contrat d'engagement peut être conclu soit à durée déterminée, soit au voyage, ou, si la législation nationale le permet, pour une durée indéterminée.

Le contrat d'engagement doit indiquer clairement les droits et obligations respectifs de chacune des parties.

Il doit comporter obligatoirement les mentions suivantes:

1° Les nom et prénoms du marin, la date de sa naissance ou son âge, ainsi que le lieu de sa naissance;

2° Le lieu et la date de la conclusion du contrat;

3° La désignation du ou des navires à bord duquel ou desquels le marin s'engage à servir;

4° L'effectif de l'équipage du navire, si la législation nationale prescrit cette mention;

5° Le voyage ou les voyages à entreprendre, s'ils peuvent être déterminés au moment de l'engagement;

- (6) The capacity in which the seaman is to be employed;
- (7) If possible, the place and date at which the seaman is required to report on board for service;
- (8) The scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law;
- (9) The amount of his wages;
- (10) The determination of the agreement and the conditions thereof, that is to say:
 - (a) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged;
 - (c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the ship-owner than for the seaman;
- (11) The annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law;
- (12) Any other particulars which national law may require.

ARTICLE 7

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

ARTICLE 8

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

ARTICLE 9

An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.

Notice shall be given in writing; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.

National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

ARTICLE 10

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by:

- (a) mutual consent of the parties;
- (b) death of the seaman;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided in national law or in this Convention.

6° Le service auquel le marin doit être affecté;

7° Si possible le lieu et la date auxquels le marin sera tenu de se présenter à bord pour le commencement de son service;

8° Les vivres à allouer au marin, sauf le cas où la législation nationale prévoit un régime différent;

9° Le montant des salaires;

10° Le terme du contrat, soit:

a) si le contrat a été conclu pour une durée déterminée, la date fixée pour l'expiration du contrat;

b) si le contrat a été conclu au voyage, la destination convenue pour la fin du contrat et l'indication du délai à l'expiration duquel le marin sera libéré après arrivée à cette destination;

c) si le contrat a été conclu pour une durée indéterminée, les conditions dans lesquelles chaque partie pourra dénoncer le contrat ainsi que le délai de préavis, ce délai ne devant pas être plus court pour l'armateur que pour le marin;

11° Le congé payé annuel, accordé au marin après une année passée au service du même armement, si la législation nationale prévoit un tel congé;

12° Toutes autres mentions que la législation nationale pourrait imposer.

ARTICLE 7

Lorsque la législation nationale prévoit qu'il y aura à bord un rôle d'équipage elle doit indiquer que le contrat d'engagement sera transcrit sur le rôle d'équipage ou annexé à ce rôle.

ARTICLE 8

En vue de permettre au marin de s'assurer de la nature et de l'étendue de ses droits et obligations, la législation nationale doit prévoir des dispositions fixant les mesures nécessaires pour que le marin puisse se renseigner à bord de façon précise sur les conditions de son emploi, soit par l'affichage des clauses du contrat d'engagement dans un endroit facilement accessible à l'équipage, soit par toute autre mesure appropriée.

ARTICLE 9

Le contrat d'engagement à durée indéterminée prend fin par la dénonciation du contrat par l'une ou l'autre des parties dans un port de chargement ou de déchargement du navire, sous condition que le délai de préavis convenu à cet effet, et qui doit être au minimum de vingt-quatre heures, soit observé.

Le préavis doit être donné par écrit; la législation nationale doit déterminer les conditions dans lesquelles le préavis doit être donné, de manière à éviter toute contestation ultérieure entre les parties.

La législation nationale doit déterminer les circonstances exceptionnelles dans lesquelles le délai de préavis, même régulièrement donné, n'aura pas pour effet d'opérer la résiliation du contrat.

ARTICLE 10

Le contrat d'engagement, qu'il soit conclu au voyage, à durée déterminée ou à durée indéterminée, sera résolu de plein droit dans les cas ci-après;

a) consentement mutuel des parties;

b) décès du marin;

c) perte ou innavigabilité absolue du navire;

d) toute autre cause stipulée par la législation nationale ou la présente Convention.

ARTICLE 11

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

ARTICLE 12

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

ARTICLE 13

If the seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

ARTICLE 14

Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

ARTICLE 15

National law shall provide the measures to ensure compliance with the terms of the present Convention.

ARTICLE 16

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 17

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 18

As soon as the ratification of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary General of the

ARTICLE 11

La législation nationale doit fixer les circonstances dans lesquelles l'armateur ou le capitaine a la faculté de congédier immédiatement le marin.

ARTICLE 12

La législation nationale doit également déterminer les circonstances dans lesquelles le marin a la faculté de demander son débarquement immédiat.

ARTICLE 13

Si le marin prouve à l'armateur ou à son représentant, soit qu'il a la possibilité d'obtenir le commandement d'un navire ou un emploi d'officier ou d'officier mécanicien ou tout autre emploi plus élevé que celui qu'il occupe, soit que par suite de circonstances intervenues depuis son engagement, son départ présente pour lui un intérêt capital, il peut demander son congédiement à condition qu'il assure, sans frais nouveaux pour l'armateur, son remplacement par une personne compétente, agréée par l'armateur ou son représentant.

Dans ce cas, le marin a droit aux salaires correspondant à la durée de son service.

ARTICLE 14

Quelle que soit la cause de l'expiration ou de la résiliation du contrat, la libération de tout engagement doit être constatée sur le document délivré au marin conformément à l'article 5 et sur le rôle d'équipage, par une mention spéciale qui doit être, à la requête de l'une ou de l'autre des parties, revêtue du visa de l'autorité publique compétente.

Le marin a, dans tous les cas, le droit de se faire délivrer par le capitaine un certificat établi séparément et appréciant la qualité de son travail, ou indiquant tout au moins s'il a entièrement satisfait aux obligations de son contrat.

ARTICLE 15

Il appartient à la législation nationale de prévoir les mesures propres à assurer l'observation des dispositions de la présente Convention.

ARTICLE 16

Les ratifications officielles de la présente Convention dans les conditions prévues à la Partie XIII du Traité de Versailles et aux Parties correspondantes des autres Traités de Paix seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

ARTICLE 17

La présente Convention entrera en vigueur dès que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées par le Secrétaire général.

Elle ne liera que les Membres dont la ratification aura été enregistrée au Secrétariat.

Par la suite cette Convention entrera en vigueur pour chaque Membre à la date où sa ratification aura été enregistrée au Secrétariat.

ARTICLE 18

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées au Secrétariat, le Secrétaire général de la

League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 19

Subject to the provisions of Article 17, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

ARTICLE 20

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 21

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 22

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision or modification.

ARTICLE 23

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Draft Convention duly adopted by the General Conference of the International Labour Organisation during its Ninth Session which was held at Geneva and declared closed the 24th day of June 1926.

IN FAITH WHEREOF we have appended our signatures this twenty-sixth day of July 1926.

The President of the Conference,
BURNHAM.

The Director of the International Labour Office,
ALBERT THOMAS.

Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiqués par tous les autres Membres de l'Organisation.

ARTICLE 19

Sous réserve des dispositions de l'article 17, tout Membre qui ratifie la présente Convention s'engage à appliquer les dispositions des articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 et 15 au plus tard le 1er janvier 1928, et à prendre telles mesures qui seront nécessaires pour rendre effectives ces dispositions.

ARTICLE 20

Tout Membre de l'Organisation internationale du Travail qui ratifie la présente Convention s'engage à l'appliquer à ses colonies, possessions ou protectorats, conformément aux dispositions de l'article 421 du Traité de Versailles et des articles correspondants des autres Traités de Paix.

ARTICLE 21

Tout Membre ayant ratifié la présente Convention peut la dénoncer, à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la Convention, par un acte communiqué au Secrétaire général de la Société des Nations et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée au Secrétariat.

ARTICLE 22

Le Conseil d'administration du Bureau international du Travail devra, au moins une fois tous les dix ans, présenter à la Conférence générale un rapport sur l'application de la présente Convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de la revision ou de la modification de ladite Convention.

ARTICLE 23

Les textes français et anglais de la présente Convention feront foi l'un et l'autre.

Le texte qui précède est le texte authentique du Projet de Convention dûment adopté par la Conférence générale de l'Organisation internationale du Travail dans sa neuvième session qui s'est tenue à Genève et qui a été déclarée close le 24 juin 1926.

EN FOI DE QUOI ont apposé leurs signatures, le 26 juillet 1926.

Le Président de la Conférence,
BURNHAM.

Le Directeur du Bureau international du Travail,
ALBERT THOMAS.

CANADA

TREATY SERIES, 1938

No. 6

INTERNATIONAL LABOUR CONFERENCE

DRAFT CONVENTION

CONCERNING

THE MARKING OF THE WEIGHT ON HEAVY
PACKAGES TRANSPORTED BY VESSELS

Adopted at Geneva June 21, 1929

Canadian Ratification deposited June 30, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

INTERNATIONAL LABOUR CONFERENCE

DRAFT CONVENTION

CONCERNING

THE MARKING OF THE WEIGHT ON HEAVY
PACKAGES TRANSPORTED BY VESSELS

Adopted by the Conference at its Twelfth Session

Geneva

May 30—June 21, 1929

CONFÉRENCE INTERNATIONALE DU TRAVAIL

PROJET DE CONVENTION

CONCERNANT

L'INDICATION DU POIDS SUR LES GROS COLIS
TRANSPORTÉS PAR BATEAU

Adopté par la Conférence à sa Douzième Session

Genève

30 mai—21 juin, 1929

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1933

ARTICLE 4

As soon as the ratification of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 5

A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 6

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

ARTICLE 7

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 8

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Draft Convention duly adopted by the General Conference of the International Labour Organisation during its Twelfth Session which was held at Geneva and declared closed the 21st day of June, 1929.

IN FAITH WHEREOF we have appended our signatures this fifteenth day of August, 1929.

The President of the Conference.

Dr BRAUNS.

The Director of the International Labour Office.

ALBERT THOMAS.

ARTICLE 4

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées au Secrétariat, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

ARTICLE 5

Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée au Secrétariat.

Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article, sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

ARTICLE 6

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa revision totale ou partielle.

ARTICLE 7

Au cas où la Conférence internationale adopterait une nouvelle convention portant revision totale ou partielle de la présente convention, la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit dénonciation de la présente convention sans condition de délai nonobstant l'article 5 ci-dessus, sous réserve que la nouvelle convention portant revision soit entrée en vigueur.

A partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

La présente convention demeurerait toutefois en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la nouvelle convention portant revision.

ARTICLE 8

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

Le texte qui précède est le texte authentique du projet de convention dûment adopté par la Conférence générale de l'Organisation internationale du Travail dans sa douzième session qui s'est tenue à Genève et qui a été déclarée close le 21 juin 1929.

EN FOI DE QUOI ont apposé leurs signatures, le quinze août 1929.

Le Président de la Conférence,
Dr BRAUNS.

Le directeur du Bureau international du Travail,
ALBERT THOMAS.

CANADA

TREATY SERIES, 1938

No. 7

EXCHANGE OF NOTES

(June 18 and 20, 1938)

PROLONGING

FOR ONE YEAR THE AGREEMENT OF SEPTEMBER
15-16, 1932, AS AMENDED IN 1935, CONCERNING
FLIGHTS OF MILITARY AIRCRAFT

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

IN FORCE JULY 1, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

Price, 25 cents

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ONE YEAR THE AGREEMENT OF SEPTEMBER 15-16, 1932, AS
AMENDED IN 1935, CONCERNING FLIGHTS OF MILITARY AIR-
CRAFT**

*From the Secretary of State for External Affairs of Canada to the Chargé
d'Affaires a.i. of the United States of America at Ottawa*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 78

OTTAWA, 18th June, 1938.

SIR,

I have the honour to refer to your Note No. 706 of May 26, 1938, regarding the extension for a period of one year, from July 1, 1938, to June 30, 1939, of an Agreement between the Government of the United States and the Government of Canada effected by an Exchange of Notes in September 1932 and amended by an Exchange of Notes in 1935, whereby military aircraft of either country are permitted, under certain conditions, to fly over specified portions of the territory of the other, and to state, in reply to your enquiry, that the Canadian Government is agreeable to the renewal of this Agreement, in the same terms as are now in effect, for a further period of one year beginning July 1, 1938.

I should be glad to learn whether this Note and your reply may be regarded as extending the Agreement as above mentioned.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON

For the Secretary of State for External Affairs.

*From the Chargé d'Affaires a.i. of the United States of America at Ottawa
to the Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

No. 730

OTTAWA, June 20, 1938.

SIR,

I have the honour to acknowledge receipt of your note No. 78 of June 18, 1938, concerning the agreement now in effect between our two Governments whereby military aircraft of either country are permitted, under certain conditions, to fly over specified portions of the territory of the other, and have duly noted that the Canadian Government is agreeable to the renewal of this agreement in the same terms as are now in effect, for a further period of one year beginning July 1, 1938.

It is understood by the exchange of your note under acknowledgment and of this reply thereto the agreement of 1932, as amended in 1935 and now in effect, is extended for a further period of one year from July 1, 1938, to June 30, 1939.

Accept, Sir, the renewal assurances of my highest consideration.

JOHN FARR SIMMONS

Chargé d'Affaires a.i.

CANADA

TREATY SERIES, 1938

No. 8

EXCHANGE OF NOTES

(July 28, 1938)

RECORDING AN AGREEMENT

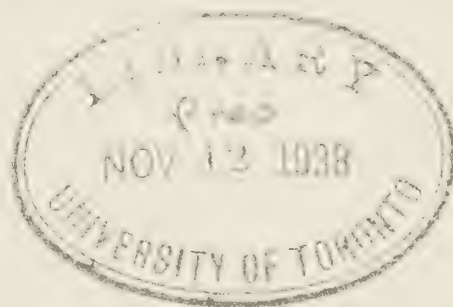
BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

RELATING TO

AIR NAVIGATION

IN FORCE AUGUST 1, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

EXCHANGE OF NOTES

(July 28, 1938)

RECORDING AN AGREEMENT

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

RELATING TO

AIR NAVIGATION



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

**EXCHANGE OF NOTES (JULY 28, 1938) RECORDING AN AGREEMENT
BETWEEN CANADA AND THE UNITED STATES OF AMERICA
RELATING TO AIR NAVIGATION**

*From the United States Secretary of State to the Canadian Minister to the
United States*

July 28, 1938.

SIR:

I have the honour to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal air navigation arrangement.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:—

**ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA
AND CANADA RELATING TO AIR NAVIGATION**

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to registration.

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

ARTICLE II

The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

ARTICLE III

(a) Each of the Parties to the present arrangement shall grant, in time of peace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

ARTICLE IV

(a) The aircraft of each of the Parties, passengers and goods carried thereon and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport

of passengers and goods, and public safety and order, as well as any regulations concerning entry and clearance, immigration, passports, quarantine and customs.

(b) Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party; and (subject to the same proviso) such aircraft, passengers and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not, merely by reason of the nationality of the aircraft, be subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favoured country, engaged in international commerce, or on their passengers, goods and personnel.

ARTICLE V

The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other party.

ARTICLE VI

The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

ARTICLE VII

Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological radio, lighting and day and night signalling services at such aerodromes. Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties.

ARTICLE VIII

(a) The term "air commerce" as used in the succeeding paragraph of this article means: Navigation of aircraft in territory of either Party in the conduct or furtherance of a business; and the commercial transport of passengers or goods between any two points in the territory of either Party.

(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from any aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

ARTICLE IX

(a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

ARTICLE X

(a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or licence is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

(f) The certificate of airworthiness, certificates of competency or licences issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licences issued or rendered valid by either country in favour of nationals of the other country, such recognition may be refused by the latter country.

ARTICLE XI

(a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a licence to install and work such apparatus, which licence must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory flown over.

(b) Such apparatus may be used only by the personnel employed on board who are provided with a special licence for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

ARTICLE XII

(a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft such as rockets, flares, and similar devices is not prohibited.

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent authorities of the territory flown over.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.

ARTICLE XIII

The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

ARTICLE XIV

(a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before arriving at such an airport on entry into the territory concerned or after leaving such an airport on departure from that territory. In special cases, and subject to the same provisions as to intermediate landing, the competent authorities may allow a first landing at or a departure from another aerodrome where the above-mentioned facilities have been arranged.

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the aircraft has crossed the frontier, with the understanding, however, that in this event, permission may be granted for the aircraft to make its first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel employed on board and passengers must conform to the entry and clearance, customs, passport, quarantine and immigration regulations in force in the territory in which the landing occurs.

(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such other Party.

ARTICLE XV

The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

ARTICLE XVI

No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

ARTICLE XVII

(a) The present arrangement or any part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licences and the acceptance of certificates of airworthiness for aircraft imported as merchandise.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

*From the Canadian Minister to the United States to the Secretary of State of
the United States*

No. 175.

July 28, 1938.

SIR,—I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal air navigation arrangement between Canada and the United States of America, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF
AMERICA RELATING TO AIR NAVIGATION

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to registration.

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

ARTICLE II

The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

ARTICLE III

(a) Each of the Parties to the present arrangement shall grant, in time of peace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

ARTICLE IV

(a) The aircraft of each of the Parties, passengers and goods carried thereon and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning entry and clearance, immigration, passports, quarantine and customs.

(b) Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party; and (subject to the same proviso) such aircraft, passengers and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not, merely by reason of the nationality of the aircraft, be subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favoured country, engaged in international commerce, or on their passengers, goods and personnel.

ARTICLE V

The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other Party.

ARTICLE VI

The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

ARTICLE VII

Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological, radio, lighting and day and night signalling services at such aerodromes. Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties.

ARTICLE VIII

(a) The term "air commerce" as used in the succeeding paragraph of this article means:—Navigation of aircraft in territory of either Party in the conduct or furtherance of a business; and the commercial transport of passengers or goods between any two points in the territory of either Party.

(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from any aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

ARTICLE IX

(a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

ARTICLE X

(a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or licence is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

(f) The certificate of airworthiness, certificates of competency or licences issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licences issued or rendered valid by either country in favour of nationals of the other country, such recognition may be refused by the latter country.

ARTICLE XI

(a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a licence to install and work such apparatus, which licence must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory flown over.

(b) Such apparatus may be used only by the personnel employed on board who are provided with a special licence for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

ARTICLE XII

(a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft, such as rockets, flares, and similar devices is not prohibited.

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent authorities of the territory flown over.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.

ARTICLE XIII

The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

ARTICLE XIV

(a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before arriving at such an airport on entry into the territory concerned or after leaving such an airport on departure from that territory. In special cases, and subject to the same provisions as to intermediate landing, the competent authorities may allow a first landing at or a departure from another aerodrome where the above-mentioned facilities have been arranged.

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the aircraft has crossed the frontier, with the understanding, however, that in this event, permission may be granted for the aircraft to make its first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel employed on board and passengers must conform to the entry and clearance, customs, passport, quarantine and immigration regulations in force in the territory in which the landing occurs.

(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such other Party.

ARTICLE XV

The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

ARTICLE XVI

No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

ARTICLE XVII

(a) The present arrangement or any part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licences and the acceptance of certificates of airworthiness for aircraft imported as merchandise.

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be,
with the highest consideration,
Sir,
Your most obedient
humble servant,

HERBERT M. MARLER

CANADA

TREATY SERIES, 1938

No. 9

EXCHANGE OF NOTES

(July 28, 1938)

RECORDING AN AGREEMENT

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

RELATING TO

THE ISSUANCE OF CERTIFICATES OF COMPETENCY
OR LICENCES FOR THE PILOTING OF
CIVIL AIRCRAFT

IN FORCE AUGUST 1, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

Price, 25 cents

EXCHANGE OF NOTES

(July 28, 1938)

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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

**EXCHANGE OF NOTES (JULY 28, 1938) RECORDING AN AGREEMENT
BETWEEN CANADA AND THE UNITED STATES OF AMERICA
RELATING TO THE ISSUANCE OF CERTIFICATES OF COM-
PETENCY OR LICENCES FOR THE PILOTING OF CIVIL AIRCRAFT**

*From the United States Secretary of State to the Canadian Minister to the
United States*

July 28, 1938.

SIR,—I have the honour to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the issuance by each country of certificates of competency or licences to nationals of the other country for the piloting of civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

**ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND
CANADA RELATING TO THE ISSUANCE OF CERTIFICATES OF
COMPETENCY OR LICENCES FOR THE PILOTING OF CIVIL AIR-
CRAFT.**

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licences to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

(c) Either country issuing certificates of competency or licences to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for noncommercial purposes.

ARTICLE II

Pursuant to the provisions of Article 1, the competent United States authorities will issue pilot certificates of competency or licences to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licences.

ARTICLE III

Pursuant to the provisions of Article 1, the competent Canadian authorities will issue pilot certificates of competency or licences to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licences.

ARTICLE IV

Subject to the provisions of Articles 1 and 2, pilot certificates of competency or licences issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licences issued to nationals of the United States.

ARTICLE V

Subject to the provisions of Articles 1 and 3, pilot certificates of competency or licences issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licences issued to nationals of Canada.

ARTICLE VI

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licences to nationals of the other country.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

From the Canadian Minister to the United States to the Secretary of State of the United States

No. 176.

July 28, 1938.

SIR,—I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the issuance by each country of certificates of competency or licences to nationals of the other country for the piloting of civil aircraft, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPETENCY OR LICENCES FOR THE PILOTING OF CIVIL AIRCRAFT.

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licences to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

(c) Either country issuing certificates of competency or licences to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for noncommercial purposes.

ARTICLE II

Pursuant to the provisions of Article 1, the competent United States authorities will issue pilot certificates of competency or licences to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licences.

ARTICLE III

Pursuant to the provisions of Article 1, the competent Canadian authorities will issue pilot certificates of competency or licences to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licences.

ARTICLE IV

Subject to the provisions of Articles 1 and 2, pilot certificates of competency or licences issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licences issued to nationals of the United States.

ARTICLE V

Subject to the provisions of Articles 1 and 3, pilot certificates of competency or licences issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licences issued to nationals of Canada.

ARTICLE VI

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licences to nationals of the other country.

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration, Sir,

Your most obedient humble servant,

HERBERT M. MARLER

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CANADA

TREATY SERIES, 1938

No. 10

EXCHANGE OF NOTES

(July 28, 1938)

RECORDING AN AGREEMENT

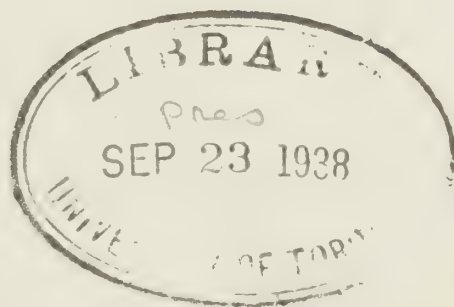
BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

RELATING TO

CERTIFICATES OF AIRWORTHINESS
FOR EXPORT

IN FORCE AUGUST 1, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

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CANADA AND THE UNITED STATES
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RELATING TO

CERTIFICATES OF AIRWORTHINESS
FOR EXPORT



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

**EXCHANGE OF NOTES (JULY 28, 1938) RECORDING AN AGREEMENT
BETWEEN CANADA AND THE UNITED STATES OF AMERICA
RELATING TO CERTIFICATES OF AIRWORTHINESS FOR
EXPORT**

*From the United States Secretary of State to the
Canadian Minister to the United States*

July 28, 1938.

SIR,

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the acceptance of certificates of airworthiness for export.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

**ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND
CANADA RELATING TO CERTIFICATES OF AIRWORTHINESS
FOR EXPORT.**

ARTICLE I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

ARTICLE II

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

ARTICLE III

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

ARTICLE IV

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE V

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE VI

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

ARTICLE VII

The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

ARTICLE VIII

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, sir, the renewed assurances of my highest consideration.

CORDELL HULL

*From the Canadian Minister to the United States to the
Secretary of State of the United States*

July 28, 1938.

No. 177

SIR,

I have the honour to acknowledge the receipt of your note of July 28, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the acceptance of certificates of airworthiness for export, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO CERTIFICATES OF AIRWORTHINESS FOR EXPORT.

ARTICLE I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

ARTICLE II

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

ARTICLE III

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

ARTICLE IV

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE V

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE VI

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

ARTICLE VII

The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

ARTICLE VIII

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licences to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929, and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be, sir, your most obedient humble servant.

HERBERT M. MARLER

Dr. Doc
an

CANADA

TREATY SERIES, 1938
No. 11

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES
(June 1 and 4, 1938)

EXTENDING TO CANADA AS FROM JULY 1, 1938

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

HIS MAJESTY THE KING OF THE HELLENES

REGARDING

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at London, February 27, 1936

Ratifications exchanged in Athens, November 16, 1937



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES
(June 1 and 4, 1938)

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1938

NOTIFICATION EFFECTED BY AN EXCHANGE OF NOTES (JUNE 1 AND 4, 1938) EXTENDING TO CANADA AS FROM JULY 1, 1938, THE CONVENTION BETWEEN HIS MAJESTY AND HIS MAJESTY THE KING OF THE HELLENES REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS SIGNED AT LONDON, FEBRUARY 27, 1936.

*From the Secretary of State for External Affairs of Canada to the
Secretary of State for Dominion Affairs*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 57
SIR,

OTTAWA, March 31, 1938.

I have the honour to invite your attention to my despatch No. 54, dated the 22nd February, 1937, and particularly to the following Civil Procedure Conventions:—

1. Convention with Iraq, signed at Bagdad July 25, 1935, ratified at London November 18, 1936, printed in Cmd. 5369.
2. Convention with Greece, signed at London February 27, 1936, ratified at Athens November 16, 1937, printed in Cmd. 5643.

I have the honour to state that His Majesty's Government in Canada desire that, in accordance with the stipulations therein contained, the above named Conventions with Iraq and Greece should be extended to Canada by notification to the representative Governments. Such extension should, if it is possible and convenient, come into force from a fixed date, and it is desirable that that date should be the 1st July, 1938. If, however, the adoption of this date is impracticable, the first day of any subsequent month of this year would be satisfactory.

The authorities to whom judicial and extra-judicial Acts and Commissions Rogatoires are to be transmitted will be where action is to be taken in any province of Canada the Attorney General of such Province; in the North West Territories the Commissioner of the North West Territories; and in the Yukon Territory the Gold Commissioner of that Territory. The language in which communications to such authorities, and translations, are to be made, will be English (except in the Province of Quebec, where they may be made either in English or in French). In order to insure due execution, Commissions Rogatoires should contain full and complete interrogatories.

I have included a tabulated list of the authorities, together with their addresses therein, and I shall be grateful therefor, if you will take such steps as may be necessary to notify the interested Governments.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

O. D. SKELTON

for the Secretary of State for External Affairs.

Province or Territory	Authority and Address	Language
Ontario	Attorney-General, Toronto	English
Quebec.	Attorney-General, Quebec	English or French
Nova Scotia	Attorney-General, Halifax	English
Prince Edward Island.....	Attorney-General, Charlottetown.	English
New Brunswick.	Attorney-General, Fredericton	English
British Columbia	Attorney-General, Victoria	English
Manitoba.	Attorney-General, Winnipeg	English
Saskatchewan.	Attorney-General, Regina.	English
Alberta	Attorney-General, Edmonton.	English
North West Territories.....	Commissioner for the North West Territories, Ottawa	English
Yukon Territory	The Gold Commissioner of the Yukon Territory, Dawson City.....	English

From the British Minister at Athens to the Minister for Foreign Affairs of Greece

BRITISH LEGATION

No. 146
(151/23/38)

ATHENS, 1st June, 1938.

MONSIEUR LE PRÉSIDENT DU CONSEIL,

At the instance of His Majesty's Government in Canada I have the honour to notify to Your Excellency, in accordance with Article 16 (a) of the convention regarding legal proceedings in civil and commercial matters, which was signed at London on the 27th February, 1936, the accession of His Majesty to that convention in respect of the Dominion of Canada.

2. The attached list indicates in each case the authorities in the different parts of Canada to whom requests for service under Article 3 or Letters of Request under Article 7 for the taking of evidence should be transmitted, and the language in which communications and translations are to be made.

3. In accordance with Article 16 (a) of the convention, the accession now notified will come into force one month from the date of this note, that is to say, on the 1st July next.

4. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication,

I avail myself of this opportunity, Monsieur le Président du Conseil, to renew to Your Excellency the assurance of my highest consideration.

SYDNEY WATERLOW

From the Director General, Ministry for Foreign Affairs of Greece to the British Minister at Athens

(Translation)

ROYAL MINISTRY FOR FOREIGN AFFAIRS

ATHENS, June 4, 1938.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge receipt of Note No. 146 which you were good enough to address to the President of the Council on the first instant respecting the extension to Canada of the Convention regarding legal proceedings in civil and commercial matters between Great Britain and Greece, signed at London on February 27, 1936.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency, the assurance of my highest consideration.

A. DELMOUZOS
Director General.

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF THE HELLENES REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of the Hellenes;

Being desirous to render mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with or which it is anticipated may be dealt with by their respective judicial authorities;

Have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

The Right Honourable Robert Anthony Eden, M.C., M.P., His Principal Secretary of State for Foreign Affairs;

and

His Majesty the King of the Hellenes:

Monsieur Charalambos Simopoulos, His Envoy Extraordinary and Minister Plenipotentiary in London:

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

I.—Preliminary

ARTICLE 1

(a) Except where the contrary is expressly stated, this Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words:—

(1) “territory of one (or of the other) High Contracting Party” shall be interpreted (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the Convention is in force by reason of extensions under Article 15 or accessions under Article 16; and (b) in relation to His Majesty the King of the Hellenes, Greece;

(2) “persons” shall be deemed to mean individuals and artificial persons;

(3) “artificial persons” shall be deemed to include partnerships, companies, societies and other corporations;

(4) “subjects of a High Contracting Party” shall be deemed to include artificial persons constituted or incorporated under the laws of the territory of such High Contracting Party;

(5) “subjects of one (or of the other) High Contracting Party” shall be deemed (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and all persons under His protection; and (b) in relation to His Majesty the King of the Hellenes, all Greek subjects.

II.—*Service of Judicial and Extra-Judicial Documents*

ARTICLE 2

(a) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in Articles 3 and 4 in all cases where such method of service is recognized by the law of the country of origin.

(b) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to be effected.

ARTICLE 3

(a) A request for service shall be addressed and sent by a Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin.

(d) Requests for service shall be addressed and sent—

In England to the Senior Master of the Supreme Court of Judicature.

In Greece to the Procureur of the Tribunal of First Instance within whose jurisdiction the person, on whom the documents are to be served, resides, or, in case of doubt, to the Ministry of Justice.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the request to the competent authority of the country of execution.

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this Article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been forwarded.

(h) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented

such service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Consular Officer by whom the request for service was sent. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

ARTICLE 4

(a) Service may be effected, without any request to or intervention of the authorities of the country of execution, by any of the following methods:—

- (1) By a Consular Officer acting for the country of origin;
- (2) By an agent appointed for the purpose either by the judicial authority of the country of origin or by the party on whose application the document was issued;
- (3) Through the post; or
- (4) By any other method of service which is not illegal, under the law existing at the time of service, in the country of execution.

(b) All documents served in the manner provided in (1) of the preceding paragraphs shall, unless the recipient is a subject of the High Contracting Party from whose territory the document to be served emanates, either be drawn up in the language of the country of execution or be accompanied by a translation into such language, certified as correct as prescribed in Article 3 (c).

(c) The High Contracting Parties agree that in principle it is also desirable that the provisions of paragraph (b) of this article should apply to documents served in the manner provided in (2), (3) and (4) of paragraph (a) of this Article. Nevertheless, in the absence of any legislation in their respective territories making translations obligatory in such cases, the High Contracting Parties do not accept any obligation in this respect.

(d) It is understood that the question of the validity of any service effected by the use of any of the methods referred to in paragraph (a) of this Article will remain a matter for the free determination of the respective courts of the High Contracting Parties in accordance with their laws.

ARTICLE 5

(a) In any case where documents have been served in accordance with the provisions of Article 3, the High Contracting Party, by whose Consular Officer the request for service was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Consular Officer by whom the request was addressed, when sending to him the certificate provided for in Article 3 (h).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III.—*Taking of Evidence*

ARTICLE 6

(a) When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of the other High Contracting Party, such evidence may be taken, whatever the nationality of the parties or witnesses may be, in any one of the ways prescribed in Articles 7 or 8.

(b) In Part III of this Convention, the expressions—

- (1) "Taking of evidence" shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise; the submission to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings; and the production, identification and examination of documents, samples or other objects.
- (2) "Witness" shall be deemed to include any person from whom any evidence, as defined above, is required to be taken.
- (3) "Country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required, and "country of execution," the country in which the evidence is to be taken.

ARTICLE 7

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. They shall also either (1) be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced, identified or examined, and a translation thereof, certified as correct in the manner heretofore provided; or (2) shall request the competent authority to allow such questions to be asked *vivâ voce* as the parties or their representatives shall desire to ask.

(c) Letters of Request shall be transmitted—

In England by a Greek Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Greece by a British Consular Officer to the Procureur of the Tribunal of First Instance within whose jurisdiction the witnesses are resident, or, in case of doubt, to the Ministry of Justice.

In case the authority to whom any Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the competent authority of the country of execution.

(d) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented,

if they so desire, by barristers or solicitors or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

- (1) If the authenticity of the Letter of Request is not established;
- (2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;
- (3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Consular Officer by whom it was transmitted the necessary documents establishing its execution.

ARTICLE 8

(a) The evidence may also be taken, without any request to or the intervention of the authorities of the country of execution by a person in that country directly appointed for the purpose by the court of the country of origin. A Consular Officer acting for the country of origin or any other suitable individual may be so appointed.

(b) A person so appointed to take evidence may request the individuals named by the court appointing him to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution, and shall have power to administer an oath. The attendance and giving of evidence before any such person shall be entirely voluntary and no measures of compulsion shall be employed.

(c) Requests to appear issued by such person shall, unless the recipient is a subject of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country of execution or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognized by the law of the country of origin, and the parties will have the right to be present in person or to be represented by barristers or solicitors of that country or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

ARTICLE 9

The fact that an attempt to take evidence by the method laid down in Article 8 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 7.

ARTICLE 10

(a) Where evidence is taken in the manner provided in Article 7 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request

in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the cost of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 7 (h).

(c) Except as above provided no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—*Judicial Assistance for Poor Persons and security for Costs*

ARTICLE 11

The subjects of one High Contracting Party resident in the territory of the other High Contracting Party shall not be compelled to give security for costs in any case where a subject of such other High Contracting Party would not be so compelled.

ARTICLE 12

(1) The subjects of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects of the latter High Contracting Party as regards free legal assistance for poor persons.

(2) The provisions of this Article apply to criminal as well as to civil and commercial matters, but do not apply to artificial persons.

V.—*General Provisions*

ARTICLE 13

Any difficulties which may arise in connexion with the operation of this Convention shall be settled through the diplomatic channel.

ARTICLE 14

The present Convention, of which the English and Greek texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in Athens. The Convention shall come into force one month after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 15

(a) This Convention shall not apply *ipso jure* to Scotland, Northern Ireland, the Channel Islands, the Isle of Man, nor to any of the Colonies, overseas territories or Protectorates of His Majesty the King of Great Britain,

Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories under His suzerainty, nor to any mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom, but His Majesty may at any time, while this Convention is in force under Article 14 by a notification given through His Minister at Athens, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Article 7 are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such extension shall be one month from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 14 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso jure* terminate it in respect of any territories to which it has been extended under paragraph (a) of this Article.

ARTICLE 16

(a) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may at any time, while the present Convention is in force, either under Article 14 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any other Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of the Hellenes has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. The provisions of Article 15 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 14 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and Greek texts, and have affixed thereto their seals.

Done in duplicate at London, the 27th day of February, 1936.

(L.S.) ANTHONY EDEN

(L.S.) CHARALAMBOS SIMOPOULOS

Adv. Doc
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CANADA

TREATY SERIES, 1938

No. 12

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES

(June 1 and 19, 1938)

EXTENDING TO CANADA AS FROM JULY 1, 1938

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

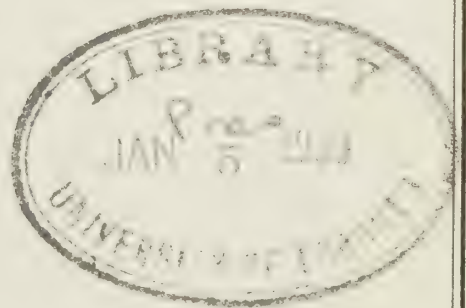
HIS MAJESTY THE KING OF IRAQ

REGARDING

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at Bagdad, July 25, 1935

Ratifications exchanged at London, November 18, 1936



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

Price, 25 cents

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES

(June 1 and 19, 1938)

EXTENDING TO CANADA AS FROM JULY 1, 1938

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

HIS MAJESTY THE KING OF IRAQ

REGARDING

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at Bagdad, July 25, 1935

Ratifications exchanged at London, November 18, 1936



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

NOTIFICATION EFFECTED BY AN EXCHANGE OF NOTES (JUNE 1 AND 19, 1938) EXTENDING TO CANADA AS FROM JULY 1, 1938, THE CONVENTION BETWEEN HIS MAJESTY AND HIS MAJESTY THE KING OF IRAQ REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS SIGNED AT BAGDAD, JULY 25, 1935

From the Secretary of State for External Affairs of Canada to the Secretary of State for Dominion Affairs

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, March 31, 1938.

No. 57

SIR,

I have the honour to invite your attention to my despatch No. 54, dated the 22nd February, 1937, and particularly to the following Civil Procedure Conventions:—

1. Convention with Iraq, signed at Bagdad, July 25, 1935, ratified at London, November 18, 1936, printed in Cmd. 5369.
2. Convention with Greece, signed at London, February 27, 1936, ratified at Athens, November 16, 1937, printed in Cmd. 5643.

I have the honour to state that His Majesty's Government in Canada desire that, in accordance with the stipulations therein contained, the above named Conventions with Iraq and Greece should be extended to Canada by notification to the representative Governments. Such extension should, if it is possible and convenient, come into force from a fixed date, and it is desirable that that date should be the 1st July, 1938. If, however, the adoption of this date is impracticable, the first day of any subsequent month of this year would be satisfactory.

The authorities to whom judicial and extra-judicial Acts and Commissions Rogatoires are to be transmitted will be where action is to be taken in any province of Canada the Attorney General of such Province; in the North West Territories the Commissioner of the North West Territories; and in the Yukon Territory the Gold Commissioner of that Territory. The language in which communications to such authorities, and translations, are to be made, will be English (except in the Province of Quebec, where they may be made either in English or in French). In order to insure due execution, Commissions Rogatoires should contain full and complete interrogatories.

I have included a tabulated list of the authorities, together with their addresses therein, and I shall be grateful therefor, if you will take such steps as may be necessary to notify the interested Governments.

I have the honour to be,

Sir,

Your most obedient, humble servant,

O. D. SKELTON

for the Secretary of State for External Affairs.

PROVINCE OR TERRITORY	AUTHORITY AND ADDRESS	LANGUAGE
Ontario	Attorney-General, Toronto	English
Quebec	Attorney-General, Quebec	English or French
Nova Scotia	Attorney-General, Halifax	English
Prince Edward Island	Attorney-General, Charlottetown	English
New Brunswick	Attorney-General, Fredericton	English
British Columbia	Attorney-General, Victoria	English
Manitoba	Attorney-General, Winnipeg	English
Saskatchewan	Attorney-General, Regina	English
Alberta	Attorney-General, Edmonton	English
North West Territories	Commissioner for the North West Terri- tories, Ottawa	English
Yukon Territory	The Gold Commissioner of the Yukon Terri- tory, Dawson City	English

*From the British Ambassador at Bagdad to the Minister for Foreign
Affairs of Iraq*

BRITISH EMBASSY

BAGDAD, 1st June, 1938.

No. 274

YOUR EXCELLENCY,

At the instance of His Majesty's Government in Canada, I have the honour to notify to Your Excellency, in accordance with Article 17 (a) of the convention regarding legal proceedings in civil and commercial matters, which was signed at Bagdad on the 25th July, 1935, the accession of His Majesty to that convention in respect of the Dominion of Canada.

2. The attached list indicates in each case the authority in the different parts of Canada to whom requests for service under Article 3 or Letters of Request under Article 8 for the taking of evidence should be transmitted, and the language in which communications and translations are to be made.

3. In accordance with Article 17 (a) of the convention, the accession now notified will come into force one month from the date of this note, that is to say, on the 1st July next.

4. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication, I avail myself of this opportunity to express to Your Excellency the assurance of my highest consideration.

MAURICE PETERSON

*From the British Ambassador at Bagdad to the Minister for Foreign
Affairs of Iraq*

BRITISH EMBASSY

BAGDAD, 1st June, 1938.

No. 275

YOUR EXCELLENCY,

With reference to my Note No. 274 of to-day's date, respecting accession of His Majesty in respect of the Dominion of Canada to the convention regarding legal proceedings in civil and commercial matters, signed at Bagdad on July 25th, 1935, I have the honour, at the instance of His Majesty's Government in Canada, to request on their behalf that Letters of Request for the taking of evidence shall contain full and complete interrogatories in order to ensure due execution.

I avail myself of this opportunity to express to Your Excellency the assurance of my highest consideration.

MAURICE PETERSON

*From the Minister for Foreign Affairs of Iraq to the British
Ambassador at Bagdad*

(Translation)

MINISTRY OF FOREIGN AFFAIRS
DEPARTMENT OF OCCIDENTAL AFFAIRS

BAGDAD, 19th June, 1938.

No. 10252/3874/5.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter No. 274 dated 1st June, 1938, regarding the Convention relating to legal proceedings in civil and commercial matters signed at Bagdad on the 25th July, 1935, in which, in accordance with Article 17 (a) of the Convention, you notify me:

That the Convention has been acceded to by Canada;

That the list attached to Your Excellency's letter referred to above indicates in each case the authority in the different parts of Canada to whom requests for service (under article 3) or Letters of Request (under Article 8) for the taking of evidence should be transmitted, and the language in which communications and translations are to be made; and

That in accordance with Article 17 (a) of the Convention in question, the accession now notified will come into force one month from the date of Your Excellency's letter, that is to say, on the 1st July next.

I avail myself of this opportunity to express to Your Excellency my highest consideration and esteem.

TAUFIQ AL SUWAIDI

*From the Minister for Foreign Affairs of Iraq to the British
Ambassador at Bagdad*

(Translation)

MINISTRY OF FOREIGN AFFAIRS
DEPARTMENT OF OCCIDENTAL AFFAIRS

BAGDAD, 19th June, 1938.

No. 10253/3874/5.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter No. 275 dated 1st June, 1938, respecting the Convention regarding legal proceedings in civil and commercial matters signed at Bagdad on July 25th, 1935, in which you notify me that at the instance of His Majesty's Government in Canada Letters of Request for the taking of evidence shall contain full and complete interrogatories in order to ensure due execution.

I avail myself of this opportunity to express to Your Excellency my highest consideration and esteem.

TAUFIQ AL SUWAIDI

CONVENTION BETWEEN HIS MAJESTY AND HIS MAJESTY THE KING OF IRAQ REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Iraq:

Being desirous to render mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with or which it is anticipated may be dealt with by their respective judicial authorities;

Have resolved to conclude a Convention for this purpose, and have appointed as their plenipotentiaries:—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India;

For Great Britain and Northern Ireland:

Sir Archibald John Kerr Clark Kerr, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, his Ambassador Extraordinary and Plenipotentiary at Bagdad; and

His Majesty the King of Iraq:

Nouri Pasha El Said, Minister for Foreign Affairs, Order of the Rafidain I Class Military.

Who having communicated their full powers, found in good and due form, have agreed as follows:—

I.—*Preliminary*

ARTICLE 1.

(a) Except where the contrary is expressly stated, this Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words:—

(1) “territory of one (or the other) High Contracting Party” shall be interpreted:—

(i) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the convention is in force by reason of extensions under Article 16 or accessions under Article 17; and

(ii) in relation to His Majesty the King of Iraq as meaning Iraq.

(2) “persons” shall be deemed to mean individuals and artificial persons;

(3) “artificial persons” shall be deemed to include partnerships, companies, societies and other corporations;

(4) “subjects of a High Contracting Party” shall be deemed to include artificial persons constituted or incorporated under the laws of the territory of such High Contracting Party;

(5) “subjects of one (or of the other) High Contracting Party” shall be deemed:—

(i) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and all persons under His protection; and

(ii) in relation to His Majesty the King of Iraq, to mean all persons of Iraqi nationality.

II.—*Service of Judicial and Extra-Judicial Documents*

ARTICLE 2.

(a) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to be effected.

(b) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in Articles 3 and 4 in all cases where such method of service is recognized by the law of the country of origin.

ARTICLE 3.

(a) A request for service shall be addressed and sent by a Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin.

(d) Requests for service shall be addressed and sent:—

In England to the Senior Master of the Supreme Court of Judicature.

In Iraq to the Ministry of Justice.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the request to the competent authority of the country of execution.

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this Article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been forwarded.

(h) The authority by whom the request for service is executed shall draw up a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Consular Officer by whom the request for service was sent. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

ARTICLE 4.

(a) Service may be effected, without any intervention of the authorities of the country of execution by a Consular Officer acting for the country of origin, in any manner permissible by the law of the country of origin provided that no physical compulsion is used.

(b) All documents served by a Consular Officer shall, unless the recipient is a subject or citizen of the High Contracting Party from whose territory the document to be served emanates, either be drawn up in the language of the country of execution or be accompanied by a translation into such language, certified as correct as prescribed in Article 3 (c).

(c) The fact that an attempt to effect service in accordance with this article has failed does not preclude a request being subsequently made in accordance with Article 3.

ARTICLE 5.

(a) In any case where documents have been served in accordance with the provisions of Article 3, the High Contracting Party, by whose Consular Officer the request for service was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Consular Officer by whom the request was addressed, when sending the certificate provided for in Article 3 (h).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III.—*Taking of Evidence on Commission*

ARTICLE 6.

In Part III of this Convention, the expressions—

(1) "Taking of Evidence" shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise; the submission to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings; and the production, identification and examination of documents, samples or other objects.

(2) "Witness" shall be deemed to include any person from whom any evidence, as defined above, is required to be taken.

(3) "Country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required, and the "country of execution" the country in which the evidence is to be taken.

ARTICLE 7.

When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of the other High Contracting Party, such evidence may be taken, whatever the nationality of the parties or witnesses may be, in any one of the ways prescribed in Article 8 or 9.

ARTICLE 8.

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. Letters of request shall also either (1) be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced, identified or examined, and a translation thereof, certified as correct in the manner heretofore provided; or (2) shall request the competent authority to allow such questions to be asked *viva voce* as the parties or their representatives shall desire to ask.

(c) Letters of Request shall be transmitted—

In England by an Iraqi Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Iraq by a British Consular Officer to the Ministry of Justice.

In case the authority to whom a Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the competent authority of the country of execution.

(d) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by barristers or solicitors or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

- (1) If the authenticity of the Letter of Request is not established;
- (2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;
- (3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Consular Officer by whom it was transmitted the necessary documents establishing its execution.

ARTICLE 9.

(a) The evidence may also be taken, without the intervention of the authorities of the country of execution by a Consular Officer acting for the country of origin.

(b) The Consular Officer may request individuals named by the court of the country of origin to appear before him to give evidence. The attendance and giving of evidence before him shall be entirely voluntary and no measures of compulsion shall be employed.

(c) Requests to appear issued by a Consular Officer shall, unless the recipient is a subject of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country of execution or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognized by the law of the country of origin, and the parties will have the right to be present in person or to be represented by barristers or solicitors of that country or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

ARTICLE 10.

The fact that an attempt to take evidence by the method laid down in Article 9 failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 8.

ARTICLE 11.

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom a Letter of Request has been executed from the Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 8 (h).

(c) Except as above provided, no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—*Judicial Assistance for Poor Persons and Security for Costs*

ARTICLE 12.

The subjects of one High Contracting Party resident in the territory of the other High Contracting Party shall not be compelled to give security for costs in any case where a subject or citizen of such other High Contracting Party would not be so compelled.

ARTICLE 13.

(1) The subjects of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects of the latter High Contracting Party as regards free legal assistances for poor persons.

(2) The provisions of this Article apply to criminal as well as to civil and commercial matters.

V.—General Provisions

ARTICLE 14.

Any difficulties which may arise in connection with the operation of this Convention shall be settled through the diplomatic channel.

ARTICLE 15.

The present Convention, of which the English and Arabic texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in London. The Convention shall come into force one month after the date on which ratifications are exchanged, and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 16.

(a) This Convention shall not apply *ipso facto* to Scotland or Northern Ireland, the Channel Islands or the Isle of Man, nor to any of the Colonies overseas territories or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories under His suzerainty, nor to any Mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom, but His Majesty may at any time, while this Convention is in force under Article 15, by a notification given through His Ambassador in Iraq, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Article 8 are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such extension shall be one month from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 16 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (a) of this Article.

ARTICLE 17.

(a) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may at any time, while the present Convention is in force, either under Article 15 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any other member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of Iraq has given notice of termination in respect of all territories to which the Convention applies. The provisions of Article 16 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 15 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given, and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification or accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and Arabic texts, and have affixed thereto their seals.

Done in duplicate at Bagdad the Twenty-Fifth day of July of 1935.

(L.S.) NOURY SAID

(L.S.) ARCHIBALD CLARK KERR

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CANADA

TREATY SERIES, 1938

No. 13

TRADE AGREEMENT

BETWEEN

CANADA AND NEW ZEALAND

Signed at Ottawa and Wellington April 23, 1932

IN FORCE MAY 24, 1932

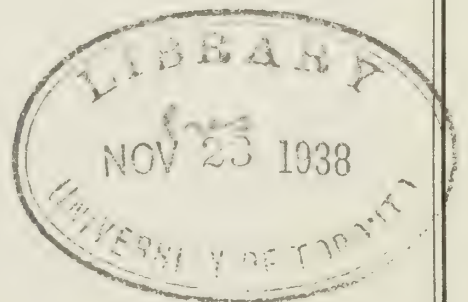
Extended in May and November, 1933, for six months, in May, 1934,
for a period of one year and in May, 1935, for a
new period of six months

Extended and modified in November, 1935, until July 31, 1936

Extended in July, 1936, until September, 1937, as
modified in November, 1935

Extended and modified in September, 1937, until September 30, 1938,
as modified in November, 1935

Extended in August, 1938, until September 30, 1939, as modified
in November, 1935 and September, 1937



OTTAWA

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1938

Price, 25 cents

TRADE AGREEMENT
BETWEEN
CANADA AND NEW ZEALAND

Signed at Ottawa and Wellington April 23, 1932

IN FORCE MAY 24, 1932

Extended in May and November, 1933, for six months, in May, 1934,
for a period of one year and in May, 1935, for a
new period of six months

Extended and modified in November, 1935, until July 31, 1936

Extended in July, 1936, until September, 1937, as
modified in November, 1935

Extended and modified in September, 1937, until September 30, 1938,
as modified in November, 1935

Extended in August, 1938, until September 30, 1939,^{*} as modified
in November, 1935 and September, 1937



TRADE AGREEMENT BETWEEN CANADA AND NEW ZEALAND

Signed at Ottawa and Wellington April 23, 1932

IN FORCE MAY 24, 1932

See Treaty Series 1932, No. 2

This Agreement was extended for six months in May and November, 1933, for a period of one year in May, 1934, and for a new period of six months in May, 1935, by the following Orders in Council:—

P.C. 1016, May 23, 1933.

See Canada Gazette Extra, May 23, 1933.

P.C. 2283, November 1, 1933.

See Canada Gazette Extra, November 4, 1933.

P.C. 978, May 10, 1934.

See Canada Gazette Extra, May 11, 1934.

P.C. 1234, May 10, 1935.

See Canada Gazette Extra, May 18, 1935.

Extended and modified in November, 1935, until July 31, 1936, by the following Order in Council:—

P.C. 3579, November 14, 1935.

See Canada Gazette Extra, November 21, 1935.

Extended in July, 1936, until September 30, 1937, as modified in November, 1935, by the following Order in Council:—

P.C. 1891, July 23, 1936.

See Canada Gazette Extra, July 29, 1936.

Extended and modified in September, 1937, until September 30, 1938, as modified in November, 1935, by the following Orders in Council:—

P.C. 2415, September 29, 1937.

P.C. 2416, September 29, 1937.

See Canada Gazette Extra, October 1, 1937.

Extended in August, 1938, until September 30, 1939, as modified in November, 1935, and September, 1937, by the following Order in Council:—

P.C. 2094, August 25, 1938.

See Canada Gazette, September 3, 1938.

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CANADA

TREATY SERIES, 1938

No. 14

CONVENTION

and other documents regarding the

ABOLITION OF THE CAPITULATIONS
IN EGYPT

Montreux, May 8, 1937

IN FORCE SEPTEMBER 9, 1938



OTTAWA

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CONVENTION
AND OTHER DOCUMENTS
REGARDING THE
ABOLITION OF THE CAPITULATIONS
IN EGYPT

Montreux, May 8, 1937

CONVENTION
ET AUTRES DOCUMENTS
CONCERNANT
L'ABOLITION DES CAPITULATIONS
EN ÉGYPTE

Montreux le 8 mai 1937



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

EXCHANGE OF NOTES (APRIL 14 AND 19, 1937) REGARDING THE
ACCEPTANCE BY CANADA OF A CONVENTION TO BE DRAWN
UP AT THE CAPITULATIONS CONFERENCE AT MONTREUX

*The High Commissioner for Canada in London to the President of the
Capitulations Conference*

OFFICE OF THE HIGH COMMISSIONER FOR CANADA

LONDON, 14th April, 1937.

SIR,

I have the honour on behalf of the Government of Canada to inform your Excellency, as President of the Capitulations Conference, that in view of lack of any interest special to Canada, the Government of Canada have not considered Canadian representation in the present Conference to be necessary, and will accept the provisions of any Convention drawn up at Montreux which is signed and ratified in respect of other members of the British Commonwealth of Nations.

This acceptance by the Government of Canada is naturally on the understanding that Canada can claim under the Convention the same rights as those States in whose respect it has been signed and ratified.

I request your Excellency that copies of this note be communicated to all the delegations at the Conference and recorded in the archives of the Conference.

I have, etc.,

VINCENT MASSEY

*The President of the Capitulations Conference to the
High Commissioner for Canada in London*

MONTREUX, 19th April 1937.

SIR,

I have the honour to acknowledge receipt of your letter of the 14th April, in which, on behalf of the Government of Canada, you were good enough to inform me, as President of the Capitulations Conference, of the reasons for the Government of Canada not being represented at the present Conference.

In compliance with the wish expressed in the last paragraph of your letter, I have circulated copies of your communication to all the delegations and have given instructions that it shall be recorded in the archives of the Conference.

I have, etc.,

MOUSTAPHA EL-NAHAS

President of the Conference

**ÉCHANGE DE NOTES (14 et 19 AVRIL 1937) CONCERNANT L'ACCEP-
TATION PAR LE CANADA D'UNE CONVENTION QUI SERAIT
RÉDIGÉE PAR LA CONFÉRENCE DES CAPITULATIONS À MON-
TREUX.**

*Le Haut-Commissaire du Canada à Londres au Président de la Conférence
des Capitulations*

(Traduction)

BUREAU DU HAUT-COMMISSAIRE DU CANADA

LONDRES, le 14 avril 1937.

MONSIEUR,

J'ai l'honneur, au nom du Gouvernement du Canada, d'informer Votre Excellence, en tant que Président de la Conférence des Capitulations, qu'en vue de l'absence de tout intérêt particulier au Canada, le Gouvernement du Canada n'a pas estimé qu'une représentation canadienne à la présente Conférence fût nécessaire, et qu'il acceptera les clauses de toute convention rédigée à Montreux qui sera signée et ratifiée en ce qui concerne les autres membres du Commonwealth des nations britanniques.

Cette acceptation par le Gouvernement du Canada s'appuie, bien entendu, sur le droit du Canada à se réclamer, aux termes de ladite convention, des mêmes droits que les Etats au nom desquels elle aura été signée et ratifiée.

Je prie Votre Excellence de bien vouloir donner copie de la présente note à toutes les délégations de la Conférence et de la faire verser au dossier de la Conférence.

Veillez agréer, etc.,

VINCENT MASSEY.

*Le Président de la Conférence des Capitulations au Haut-Commissaire du
Canada à Londres*

(Traduction)

MONTREUX, le 19 avril 1937.

MONSIEUR,

J'ai l'honneur d'accuser réception de votre lettre du 14 avril, par laquelle, au nom du Gouvernement du Canada, vous avez bien voulu m'informer, en tant que Président de la Conférence des Capitulations, des raisons pour lesquelles le Gouvernement du Canada n'est pas représenté à la présente Conférence.

Déférant au vœu exprimé dans le dernier paragraphe de votre lettre, j'ai transmis copie de votre communication à toutes les délégations et j'ai donné mes instructions pour qu'elle soit versée au dossier de la Conférence.

Veillez agréer, etc.

MOUSTAPHA EL-NAHAS,
Président de la Conférence.

**NOTE (SEPTEMBER 9, 1938) REGARDING THE ACCEPTANCE BY
CANADA OF THE CONVENTION REGARDING THE ABOLITION
OF THE CAPITULATIONS IN EGYPT**

*The British Ambassador at Alexandria to the Acting Minister
for Foreign Affairs of Egypt*

BRITISH EMBASSY

ALEXANDRIA, 9th September, 1938.

No. 235

YOUR EXCELLENCY,

I have the honour, on behalf of His Majesty's Government in Canada, to inform Your Excellency that they, having read the Convention regarding the abolition of the Capitulations in Egypt signed at Montreux on May 8th, 1937, confirm their acceptance of it expressed in the letter of April 14th, 1937 from the High Commissioner for Canada in London to the President of the Montreux Conference.

2. The second paragraph of that letter stated that His Majesty's Government in Canada accepted on the understanding that Canada could claim, under the Convention, the same rights as those states that had signed and ratified. His Majesty's Government in Canada accordingly desire me to give notice to Your Excellency, in pursuance of paragraph 2 of Article 9 of the Montreux Convention, of the exercise by the King, my August Sovereign, in respect of Canada, of the right to retain His Consular Court in Egypt for the purposes of jurisdiction in matters of personal status, as defined in Article 28 of the Annex to the Convention, in the cases specified in paragraph 1 of Article 9 of the Convention and subject to the provisions of paragraph 4 of Article 25 of the Annex.

I avail myself, etc.

C. H. BATEMAN

**CONVENTION REGARDING THE ABOLITION OF THE CAPITULA-
TIONS IN EGYPT**

Signed at Montreux on May 8, 1937.

His Majesty the King of Egypt, of the one part, and the President of the United States of America; His Majesty the King of the Belgians; His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Denmark; the President of the Spanish Republic; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy, Emperor of Ethiopia; His Majesty the King of Norway, Her Majesty the Queen of the Netherlands; the President of the Portuguese Republic; His Majesty the King of Sweden, of the other part;

Whereas the régime of Capitulations hitherto in force in Egypt is no longer in harmony with the new situation to which that country has attained through the progress of its institutions and whereas it should in consequence be brought to an end;

Considering that, following upon the abolition by common agreement of the said régime, there should be established between them relations based on respect for the independence and sovereignty of States and on ordinary international law;

**NOTE (9 SEPTEMBRE 1938) RELATIVE À L'ACCEPTATION PAR LE
CANADA DE LA CONVENTION CONCERNANT L'ABOLITION
DES CAPITULATIONS EN ÉGYPTÉ.**

*L'Ambassadeur britannique à Alexandrie au Ministre suppléant des Affaires
étrangères d'Égypte*

(Traduction)

AMBASSADE BRITANNIQUE

ALEXANDRIE, le 9 septembre 1938.

N° 235

VOTRE EXCELLENCE,

J'ai l'honneur, au nom du Gouvernement de Sa Majesté au Canada, de faire savoir à Votre Excellence que celui-ci ayant lu la convention concernant l'abolition des Capitulations en Égypte, signée à Montreux le 8 mai 1937, confirme son acceptation de ladite convention exprimée par la lettre du 14 avril 1937 du Haut-Commissaire du Canada à Londres au Président de la Conférence de Montreux.

2. Il est dit au deuxième paragraphe de cette lettre que le Gouvernement de Sa Majesté au Canada acceptait avec l'entente que le Canada pourrait se réclamer aux termes de la Convention, des mêmes droits que les Etats qui l'ont signée et ratifiée. En conséquence, le Gouvernement de Sa Majesté au Canada m'a chargé de donner avis à Votre Excellence, conformément à l'alinéa 2 de l'article 9 de la Convention de Montreux, de l'exercice par le Roi, mon auguste Souverain, en ce qui concerne le Canada, du droit de conserver son tribunal consulaire en Égypte aux fins de juridiction en matière de statut personnel tel que défini à l'article 28 de l'annexe à ladite Convention, dans les cas spécifiés au premier alinéa de son article 9 et sous réserve des dispositions de l'alinéa 4 de l'article 25 de l'annexe.

Je saisis, etc.

C. H. BATEMAN.

**CONVENTION CONCERNANT L'ABOLITION DES CAPITULATIONS
EN ÉGYPTÉ.**

Signée à Montreux, le 8 Mai 1937.

SA Majesté le Roi d'Égypte, d'une part, et le Président des Etats-Unis d'Amérique; Sa Majesté le Roi des Belges; Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Dominions britanniques au delà des Mers, Empereur des Indes; Sa Majesté le Roi de Danemark; le Président de la République espagnole; le Président de la République française; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie, Empereur d'Éthiopie; Sa Majesté le Roi de Norvège; Sa Majesté la Reine des Pays-Bas; le Président de la République portugaise; Sa Majesté le Roi de Suède, d'autre part;

Considérant que le régime des Capitulations jusqu'ici en vigueur en Égypte ne correspond plus à la situation nouvelle à laquelle ce pays est parvenu par le progrès de ses institutions et qu'il doit en conséquence y être mis fin;

Estimant qu'à la suite de l'abolition, convenue d'un commun accord, dudit régime, il convient d'établir entre eux des relations basées sur le respect de l'indépendance et de la souveraineté des Etats et sur le droit commun international;

Prompted by the sincere desire to facilitate the most extensive and friendly co-operation between them;

Have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Cairo;

His Majesty the King of the Belgians:

M. Pierre Forthomme, Grand Cross of the Order of the Crown, Grand Officer of the Order of Leopold, former Minister, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

Captain the Right Honourable David Euan Wallace, M.C., M.P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parliamentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade;

Mr. David Victor Kelly, C.M.G., M.C., Counsellor in His Britannic Majesty's Embassy at Cairo;

Mr. William Eric Beckett, C.M.G., Second Legal Adviser to the Foreign Office;

For the Commonwealth of Australia:

Captain the Right Honourable David Euan Wallace, M.C., M.P.;

For the Dominion of New Zealand:

Captain the Right Honourable David Euan Wallace, M.C., M.P.;

For the Union of South Africa:

Dr. Stefanus François Naudé Gie, Minister of the Union of South Africa in Berlin;

Mr. Harry Thomson Andrews, Permanent Delegate to the League of Nations;

For the Irish Free State:

Mr. Francis T. Cremins, Permanent Delegate to the League of Nations;

For India:

Captain the Right Honourable David Euan Wallace, M.C., M.P.;

His Majesty the King of Denmark:

M. Niels Peter Arnstedt, Envoy Extraordinary and Minister Plenipotentiary at Cairo;

M. Niels Vilhelm Boeg, Member of the Court of Appeal at Copenhagen, former Judge of the Mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal;

His Majesty the King of Egypt:

Mustapha El-Nahas Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;

Dr. Ahmed Maher, President of the Chamber of Deputies;

Animés du sincère désir de faciliter entre eux la plus large et la plus confiante collaboration;

Ont décidé de conclure une convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir:

Le Président des Etats-Unis d'Amérique:

M. Bert Fish, Envoyé extraordinaire et Ministre plénipotentiaire des Etats-Unis d'Amérique au Caire;

Sa Majesté le Roi des Belges:

M. Pierre Forthomme, Grand Croix de l'Ordre de la Couronne, Grand Officier de l'Ordre de Léopold, ancien Ministre, Envoyé extraordinaire et Ministre plénipotentiaire;

Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Dominions britanniques au delà des Mers, Empereur des Indes:

Pour la Grande-Bretagne et l'Irlande du Nord:

Le Très Honorable Capitaine David Euan Wallace, M.C., M.P., Sous-Secrétaire d'Etat Parlementaire aux Affaires étrangères, Secrétaire Parlementaire au Board of Trade, Secrétaire du Département du Commerce d'outre-mer;

M. David Victor Kelly, C.M.G., M.C., Conseiller à l'Ambassade de Sa Majesté Britannique au Caire;

M. William Eric Beckett, C.M.G., Deuxième Conseiller Juridique au Foreign Office;

Pour le Commonwealth d'Australie:

Le Très Honorable Capitaine David Euan Wallace, M.C., M.P.;

Pour le Dominion de Nouvelle-Zélande:

Le Très Honorable Capitaine David Euan Wallace, M.C., M.P.;

Pour l'Union Sud-Africaine:

M. le Dr Stefanus François Naulé Gie, Ministre de l'Union Sud-Africaine à Berlin;

M. Harry Thomson Andrews, Délégué permanent auprès de la Société des Nations;

Pour l'Etat Libre d'Irlande:

M. Francis T. Cremins, Délégué permanent auprès de la Société des Nations;

Pour l'Inde:

Le Très Honorable Capitaine David Euan Wallace, M.C., M.P.;

Sa Majesté le Roi de Danemark:

M. Niels Peter Arnstedt, Envoyé extraordinaire et Ministre plénipotentiaire au Caire;

M. Niels Vilhelm Boeg, Membre de la Cour d'Appel à Copenhague, ancien juge près les Tribunaux de la Réforme en Egypte, ancien Président du Tribunal arbitral mixte turco-grec;

Sa Majesté le Roi d'Egypte:

Moustapha El-Nahas Pacha, Président du Conseil des Ministres, Ministre de l'Intérieur et de l'Hygiène publique;

Dr. Ahmed Maher, Président de la Chambre des Députés;

Wacyf Boutros Ghali Pasha, Minister for Foreign Affairs;
 Makram Ebeid Pasha, Minister of Finance;
 Abdel Hamid Badaoui Pasha, President of the *Comité du Contentieux de l'Etat*;

The President of the Spanish Republic:

M. Antonio Fabra Ribas, Envoy Extraordinary and Minister Plenipotentiary at Berne;
 M. Mariano Gomez, President of the Supreme Court of Justice; former Rector of the University of Valencia;

The President of the French Republic:

M. François de Tessen, Deputy, Under-Secretary of State in the Department of the President of the Council;
 M. Max Hymans, Deputy, former President of the Commission for Customs and Commercial Conventions;

His Majesty the King of the Hellenes:

M. Nicolas Politis, Envoy Extraordinary and Minister Plenipotentiary of Greece in Paris, former Minister for Foreign Affairs;
 M. Georges Roussos, Envoy Extraordinary and Minister Plenipotentiary, Former Minister for Foreign Affairs;
 M. Constantin Vryakos, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;
 M. Constantin Sakellaropoulos, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry for Foreign Affairs;

His Majesty the King of Italy, Emperor of Ethiopia:

Count Luigi Aldrovandi Marescotti di Viano, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia;
 M. Salvatore Messina, President of Section in the Court of Cassation;
 M. Piero Parini, Minister Plenipotentiary, Directeur-General of Italians abroad;
 M. Pellegrino Ghigi, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

His Majesty the King of Norway:

M. Michael Hansson, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

Her Majesty the Queen of the Netherlands:

M. W. C. Beucker Andreae, Head of the Directorate of Legal Affairs in the Ministry for Foreign Affairs;
 M. le Chevalier J. J. B. Bosch de Rosenthal, Chargé d'Affaires of the Netherlands at Cairo;
 Count W. F. L. de Bylandt, Counsellor in the Netherlands Legation in Paris;

The President of the Portuguese Republic:

Dr. J. Caeiro da Matta, former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

His Majesty the King of Sweden:

M. K. K. F. Malmar, Director of the Legal Division of the Ministry for Foreign Affairs;

Wacyf Boutros Ghali Pacha, Ministre des Affaires étrangères;
 Makram Ebeid Pacha, Ministre des Finances;
 Abdel Hamid Badaoui Pacha, Président du Comité du Contentieux de l'Etat;

Le Président de la République espagnole:

M. Antonio Fabra Ribas, Envoyé extraordinaire et Ministre plénipotentiaire à Berne;
 M. Mariano Gomez, Président de la Cour Suprême de Justice et ancien Recteur de l'Université de Valance;

Le Président de la République française:

M. François de Tesson, Député, Sous-Secrétaire d'Etat à la Présidence du Conseil;
 M. Max Hymans, Député, ancien Président de la Commission des douanes et des Conventions commerciales;

Sa Majesté le Roi des Hellènes:

M. Nicolas Politis, Envoyé extraordinaire et Ministre plénipotentiaire de Grèce à Paris, ancien Ministre des Affaires étrangères;
 M. Georges Roussos, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre des Affaires étrangères;
 M. Constantin Vryakos, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre de la Justice;
 M. Constantin Sakellaropoulo, Envoyé extraordinaire et Ministre plénipotentiaire, Directeur des Affaires politiques au Ministère des Affaires étrangères;

Sa Majesté le Roi d'Italie, Empereur d'Ethiopie:

Le Comte Luigi Aldrovandi Marescotti di Viano, Ambassadeur de Sa Majesté le Roi d'Italie, Empereur d'Ethiopie;
 M. Salvatore Messina, Président de Section de la Cour de Cassation;
 M. Piero Parini, Ministre plénipotentiaire, Directeur général des Italiens à l'étranger;
 M. Pellegrino Ghigi, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi d'Italie, Empereur d'Ethiopie, au Caire;

Sa Majesté le Roi de Norvège:

M. Michael Hansson, ancien Président de la Cour d'Appel mixte d'Egypte, Membre pour la Norvège de la Cour permanente d'arbitrage à La Haye, Président de l'Office International Nansen pour les réfugiés;

Sa Majesté la Reine des Pays-Bas:

M. W. C. Beucker Andreae, Chef de la Direction des Affaires Juridiques au Ministère des Affaires étrangères;
 M. le Chevalier J. J. B. Bosch de Rosenthal, Chargé d'Affaires des Pays-Bas au Caire;
 Le Comte W. F. L. de Bylandt, Conseiller à la Légation des Pays-Bas à Paris;

Le Président de la République portugaise:

M. le Dr. J. Caeiro da Matta, ancien Ministre des Affaires étrangères, Professeur et Recteur de l'Université de Lisbonne;

Sa Majesté le Roi de Suède:

M. K. K. F. Malmar, Directeur de la Division juridique du Ministère des Affaires étrangères;

Who, having deposited their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

The High Contracting Parties declare that they agree, each in so far as he is concerned, to the complete abolition in all respects of Capitulations in Egypt.

ARTICLE 2

Subject to the application of the principles of international law, foreigners shall be subject to Egyptian legislation in criminal, civil, commercial, administrative, fiscal and other matters.

It is understood that the legislation to which foreigners will be subject will not be inconsistent with the principles generally adopted in modern legislation, and will not, with particular relation to legislation of a fiscal nature, entail any discrimination against foreigners or against companies incorporated in accordance with Egyptian law wherein foreigners are substantially interested.

The immediately preceding paragraph, in so far as it does not constitute a recognised rule of international law, shall apply only during the transition period.

ARTICLE 3

The Mixed Court of Appeal and the Mixed Tribunals now existing shall be maintained until the 14th October, 1949.

As from the 15th October, 1937, they shall be governed by an Egyptian law establishing the *Règlement d'organisation judiciaire*, the text of which is annexed to the present Convention.

On the date mentioned in paragraph 1 above, all cases pending before the Mixed Tribunals shall be remitted, at the stage which they have then reached and without involving the parties in the payment of any fees, to the National Tribunals to be continued therein until they are finally disposed of.

The period from the 15th October, 1937, to the 14th October, 1949, shall be known as "the transition period."

ARTICLE 4

The judges, officials and staff of the Mixed Tribunals and of the Mixed Parquet, who are employed there on the 14th October, 1937, shall be retained in office.

ARTICLE 5.

The rules to be applied by the Egyptian National Courts in regard to third party actions shall be the same as those prescribed for the Mixed Tribunals in Article 37 of the *Règlement d'organisation judiciaire mixte*.

ARTICLE 6.

The National Courts shall also have jurisdiction in respect of the prosecution of persons of any nationality, accused as principals or accomplices of any of the crimes and misdemeanours referred to in Article 45 of the *Règlement d'organisation judiciaire mixte*, involving judges and judicial officials of those courts or their judgments or orders or of bankruptcy offences where the bankruptcy proceedings have taken place before the said courts.

ARTICLE 7.

A change in the nationality of one of the parties in the course of proceedings before the National Courts shall not affect the competence of the Court before which the proceedings have been brought.

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE PREMIER.

Les Hautes Parties contractantes déclarent accepter, chacune en ce qui la concerne, l'abolition complète des Capitulations en Egypte à tous les points de vue.

ARTICLE 2.

Sous réserve des principes du droit international, les étrangers seront soumis à la législation égyptienne en matière pénale, civile, commerciale, administrative, fiscale ou autre.

Il est entendu que la législation à laquelle les étrangers seront soumis ne sera pas incompatible avec les principes généralement adoptés dans les législations modernes, et ne comportera pas, spécialement en matière fiscale, de discrimination au détriment des étrangers ou au détriment des sociétés constituées conformément à la loi égyptienne dans lesquelles les étrangers ont des intérêts sérieux.

La disposition qui précède, en tant qu'elle ne constitue pas une règle reconnue de droit international, ne sera applicable que durant la période transitoire.

ARTICLE 3.

La cour d'appel mixte et les tribunaux mixtes existants sont maintenus jusqu'au 14 octobre 1949.

A partir du 15 octobre 1937, ils seront régis par une loi égyptienne portant Règlement d'organisation judiciaire dont le texte est annexé à la présente Convention.

A la date visée à l'alinéa premier, toutes les affaires pendantes devant les tribunaux mixtes seront transférées en l'état et sans frais aux tribunaux nationaux pour y être poursuivies jusqu'à leur solution définitive.

La période allant du 15 octobre 1937 jusqu'au 14 octobre 1949 sera dénommée "période transitoire."

ARTICLE 4.

Les magistrats, fonctionnaires et employés des tribunaux mixtes et du parquet mixte en service au 14 octobre 1937 sont maintenus en fonctions.

ARTICLE 5.

Les règles applicables par les tribunaux nationaux égyptiens en matière d'actions accessoires seront les mêmes que celles qui sont prévues pour les tribunaux mixtes par l'article 37 du Règlement d'organisation judiciaire mixte.

ARTICLE 6.

Les tribunaux nationaux connaîtront des poursuites contre les auteurs et complices, quelle que soit leur nationalité, des crimes et délits visés à l'article 45 du Règlement d'organisation judiciaire mixte lorsqu'il s'agit des magistrats et officiers de justice de ces tribunaux, de leurs sentences et mandats, ou lorsqu'il s'agit d'une banqueroute simple ou frauduleuse dans les cas de faillite prononcée par ces tribunaux.

ARTICLE 7.

Le changement de nationalité de l'une des parties survenu en cours d'instance devant les tribunaux nationaux ne pourra modifier la compétence du tribunal saisi.

ARTICLE 8.

Subject to the provisions of Article 9, no civil or commercial action, no action in matters of personal status, and no criminal cause shall be instituted before any Consular Court in Egypt after the 15th October, 1937.

Proceedings already brought prior to the above date in any such courts shall be continued before them until finally disposed of, unless they are remitted to the Mixed Tribunals under the conditions specified in Article 53 of the *Règlement d'organisation judiciaire*.

ARTICLE 9.

Any of the High Contracting Parties who possess at present Consular Courts in Egypt, may retain such courts for the purposes of jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the High Contracting Party concerned.

Any such High Contracting Party who desires to exercise the above right shall notify the Royal Egyptian Government to this effect at the time of the deposit of his instrument of ratification of the present Convention.

At any time during the transition period any High Contracting Party may make a declaration renouncing his consular jurisdiction. Such declaration shall take effect as from the 15th October following the date on which it is made. No new proceeding shall be entertained after the date on which a renunciation of jurisdiction takes effect, but any proceeding already instituted may be continued until finally disposed of.

No Consular Court shall be maintained after the 14th October, 1949. On that date all proceedings pending before the said Consular Courts shall be remitted to the National Tribunals at the stage they have then reached.

ARTICLE 10.

In matters of personal status, the jurisdiction which is competent shall be determined by the law to be applied.

The expression "personal status" refers to the matters specified in Article 28 of the *Règlement d'organisation judiciaire mixte*.

The law to be applied shall be ascertained in conformity with the rules set out in Articles 29 and 30 of the said *Règlement*.

ARTICLE 11.

Without prejudice to the exceptions recognized by international law, foreign consuls shall be subject to the jurisdiction of the Mixed Tribunals. In particular, they may not be prosecuted in respect of acts performed by them in the performance of their official duties.

Subject to reciprocity, they shall exercise the powers customarily granted to consuls as regards registration in matters of personal status, as regards contracts of marriage and other notarial acts, inheritance, the representation before the Courts of the interests of their absent nationals and maritime navigation, and shall enjoy personal immunity.

Until Consular Conventions are concluded, and in any case during a period of three years as from the date of the signature of the present Convention, consuls shall continue to enjoy the immunities which they possess at present in respect of consular premises and in the matter of taxes, customs duties and other public dues.

ARTICLE 12.

The High Contracting Parties undertake to maintain in Egypt, during the transition period, all the judicial records of their Consular Courts.

ARTICLE 8.

Sous réserve des dispositions de l'article 9 ci-après, aucune action civile, commerciale, de statut personnel ou pénale, ne sera reçue à partir du 15 octobre 1937 devant les juridictions consulaires en Egypte.

Les causes commencées devant ces juridictions avant la date précitée seront continuées par-devant lesdites juridictions jusqu'à leur solution définitive, à moins qu'elles ne soient transférées aux tribunaux mixtes dans les conditions prévues à l'article 53 du Règlement d'organisation judiciaire.

ARTICLE 9.

Chacune des Hautes Parties contractantes qui a des tribunaux consulaires en Egypte, pourra les conserver à l'effet d'exercer la juridiction en matière de statut personnel, dans tous les cas où la loi applicable est la loi nationale de cette Haute Partie contractante.

Toute Haute Partie contractante qui désirerait user de cette faculté devra en donner avis au Gouvernement royal égyptien en même temps qu'elle déposera ses instruments de ratification à la présente Convention.

Au cours de la période transitoire, chaque Haute Partie contractante pourra déclarer qu'elle renonce à sa juridiction consulaire. Cette déclaration sortira ses effets à partir du 15 octobre qui suivra la date à laquelle elle aura été faite. Aucune affaire nouvelle ne pourra être introduite après la date à laquelle la renonciation aura pris effet, mais les procédures en cours pourront être suivies jusqu'à la solution définitive du litige.

Les juridictions consulaires ne seront pas maintenues après le 14 octobre 1949. A cette date, toutes les affaires pendantes devant ces juridictions seront transférées en l'état aux tribunaux nationaux.

ARTICLE 10.

En matière de statut personnel, la loi applicable déterminera la juridiction compétente.

Le statut personnel comprendra les matières définies à l'article 28 du Règlement d'organisation judiciaire mixte.

La loi applicable sera déterminée d'après les règles énoncées aux articles 29 et 30 dudit Règlement.

ARTICLE 11.

Les consuls étrangers seront soumis à la juridiction des tribunaux mixtes, sous les réserves admises par le droit des gens. Ils ne pourront notamment pas être poursuivis à raison d'actes accomplis dans l'exercice de leurs fonctions.

Sous condition de réciprocité, ils exerceront les attributions communément reconnues aux consuls en matière d'actes d'état civil, de contrats de mariages et autres actes notariés, de succession, de représentation en justice de leurs nationaux absents et de navigation maritime, et jouiront de l'immunité personnelle.

Jusqu'à la conclusion de conventions consulaires et, éventuellement, durant un délai de trois années à partir de la date de la signature de la présente Convention, les consuls continueront à jouir des immunités qui leur sont actuellement reconnues en ce qui concerne les locaux du consulat et en matière d'impôts, droits de douane et autres contributions publiques.

ARTICLE 12.

Les Hautes Parties contractantes s'engagent à conserver en Egypte durant la période transitoire tous les documents judiciaires de leurs tribunaux consulaires.

These records shall be open for inspection by the Courts in Egypt whenever such inspection is required in connection with a case coming within their jurisdiction; certified copies of such records shall be furnished upon the request of any such court.

ARTICLE 13.

Any dispute between the High Contracting Parties relating to the interpretation or application of the provisions of the present Convention, which they are unable to settle by diplomatic means, shall, on the application of one of the Parties to the dispute, be submitted to the Permanent Court of International Justice.

If, however, there is at present in force between any of the High Contracting Parties and His Majesty the King of Egypt a treaty of arbitration providing for another tribunal, this tribunal shall, for the duration of this Convention, be substituted for the Permanent Court of International Justice for the purposes of this Article, even though such treaty of arbitration may have ceased to exist for other purposes.

ARTICLE 14.

The present Convention, with the exception of the annex referred to in Article 3, has been drawn up in a single copy in the English and French languages. Both texts shall be equally authentic for the purposes of its interpretation.

In the case of the annex aforesaid the French text alone shall be authentic.

ARTICLE 15.

The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible at Cairo. The Royal Egyptian Government shall undertake the registration of the Convention with the Secretariat of the League of Nations.

The Royal Egyptian Government shall inform the Governments of the High Contracting Parties and the Secretary-General of the League of Nations of the deposit of each ratification.

The present Convention shall come into force on the 15th October, 1937, if three instruments of ratification have been deposited. It shall not, however, come into force in respect of the other signatories before the date of the deposit of their respective instruments of ratification.

Les juridictions du pays pourront prendre connaissance de ces documents toutes les fois qu'elles le jugeront nécessaire pour une affaire de leur compétence; des copies certifiées conformes desdits documents leur seront fournies sur demande.

ARTICLE 13.

Tout différend entre les Hautes Parties contractantes au sujet de l'interprétation ou de l'application des dispositions de la présente Convention qu'elles ne seraient pas parvenues à résoudre par les moyens diplomatiques sera soumis, à la demande de l'une des parties au différend, à la Cour permanente de Justice internationale.

Toutefois, s'il existe actuellement entre l'une des Hautes Parties contractantes et Sa Majesté le Roi d'Egypte un traité d'arbitrage prévoyant un autre tribunal, celui-ci sera, pendant la durée de la Convention, substitué à la Cour permanente de Justice internationale aux fins du présent article, même si ledit traité d'arbitrage cesse d'exister à d'autres fins.

ARTICLE 14.

La présente Convention, à l'exception de l'annexe visée à l'article 3, est établie en un seul exemplaire en langues française et anglaise. Les deux textes feront également foi pour son interprétation.

Pour l'annexe susvisée, le texte français fera seul foi.

ARTICLE 15.

La présente Convention sera ratifiée et les instruments de ratification seront déposés le plus tôt possible au Caire. Le Gouvernement royal égyptien se chargera de faire enregistrer la Convention au Secrétariat de la Société des Nations.

Le Gouvernement royal égyptien informera les Gouvernements des Hautes Parties contractantes et le Secrétaire général de la Société des Nations du dépôt de chaque ratification.

La présente Convention entrera en vigueur le 15 octobre 1937 si trois instruments de ratification ont été déposés. Elle n'entrera néanmoins en vigueur à l'égard des autres signataires qu'à la date du dépôt de leurs instruments de ratification respectifs.

In faith whereof the above mentioned Plenipotentiaries have signed the present Convention.

Done at Montreux, on the eighth day of May, one thousand nine hundred and thirty-seven, in a single copy, bearing the seals of the Plenipotentiaries, which shall be deposited in the archives of the Royal Egyptian Government and of which certified true copies shall be delivered to the Governments of the signatory Powers.

En foi de quoi les Plénipotentiaires susmentionnés ont signé la présente Convention.

Fait à Montreux, le huit mai mil neuf cent trente-sept, en un seul exemplaire, revêtu des sceaux des Plénipotentiaires, qui sera déposé dans les archives du Gouvernement royal égyptien et dont les copies certifiées conformes seront remises aux Gouvernements des Puissances signataires.

(L.S.) BERT FISH.
 (L.S.) P. FORTHOMME.
 (L.S.) DAVID EUAN WALLACE.
 (L.S.) DAVID VICTOR KELLY.
 (L.S.) WILLIAM ERIC BECKETT.
 (L.S.) DAVID EUAN WALLACE.
 (L.S.) DAVID EUAN WALLACE.
 (L.S.) S. F. N. GIE.
 (L.S.) H. T. ANDREWS.
 (L.S.) F. T. CREMINS.
 (L.S.) DAVID EUAN WALLACE.
 (L.S.) N. P. ARNSTEDT.
 (L.S.) N. V. BOEG.
 (L.S.) MOUSTAPHA EL-NAHAS.
 (L.S.) A. MAHER.
 (L.S.) WACYF BOUTROS GHALI.
 (L.S.) MAKRAM EBEID.
 (L.S.) A. BADAOUI.
 (L.S.) A. FABRA RIBAS.
 (L.S.) MARIANO GOMEZ.
 (L.S.) F. DE TESSAN.
 (L.S.) HYMANS.
 (L.S.) N. POLITIS.
 (L.S.) G. ROUSSOS.
 (L.S.) C. VRYAKOS.
 (L.S.) C. M. SAKELLAROPOULO.
 (L.S.) L. ALDROVANDI.

- (L.S.) SALVATORE MESSINA.
(L.S.) PIERO PARINI.
(L.S.) GHIGI.
(L.S.) MICHAËL HANSSON.
(L.S.) W. C. BEUCKER ANDREAE.
(L.S.) J. BOSCH DE ROSENTHAL.
(L.S.) W. DE BYLANDT.
(L.S.) J. CAEIRO DA MATTA.
(L.S.) MALMAR.

ANNEX.

RÈGLEMENT D'ORGANISATION JUDICIAIRE.

[Translation.⁽¹⁾]I.—*Organisation and Composition.*

ARTICLE 1.

THE Mixed Court of Appeal at Alexandria and the three Mixed Tribunals of first instance at Cairo, Alexandria and Mansurah shall be maintained with their existing territorial areas of jurisdiction.

These areas of jurisdiction may be altered by decree after consultation with the Court.

ARTICLE 2.

The Court of Appeal shall consist of 18 judges, 11 of whom shall be foreigners. Should occasion arise, two judges, of whom one must be a foreigner, may be appointed in addition to that number. Vacancies occurring among the foreign judges of the Court of Appeal shall be filled by the promotion of foreign judges of the Tribunals of first instance.

ARTICLE 3.

The Tribunals at Cairo, Alexandria and Mansurah shall, on the 15th October, 1937, consist of 61 judges, of whom 40 shall be foreigners.

As vacancies occur among the foreign judges as a result of retirement, death, resignation or promotion, such judges shall be replaced by Egyptian judges.

Nevertheless, the number of foreign judges in the Tribunals of first instance shall not be less than one-third of the total number of judges of the said Tribunals.

ARTICLE 4.

No distinction based on the nationality of judges shall be made either in the matter of the composition of the Chambers or in that of appointments to the various posts in the judicial organisation, including the presidency of Tribunals and Chambers.

The President of the Court of Appeal shall be of foreign nationality, and the Vice-President of Egyptian nationality.

Should the President of a Tribunal be of Egyptian nationality, the Vice-President shall be of foreign nationality, and *vice versa*.

ARTICLE 5

The judgments of the Court of Appeal shall be given by five judges. Nevertheless, the law may provide for Chambers of three judges to decide matters which, in first instance, are within the competence of a judge sitting alone.

The Assize Court shall consist of five judges, of whom three shall be Judges of the Court of Appeal.

The judgments of Tribunals of first instance, both in civil and criminal matters, shall be given by three judges.

In commercial matters, the three judges may, in virtue of a law, be assisted by two assessors with advisory powers.

In interlocutory matters, in civil cases of a summary nature, and for petty offences, judgments shall be given by a judge sitting alone.

(¹) See Article 14 of the Convention.

ANNEXE.

RÈGLEMENT D'ORGANISATION JUDICIAIRE.

I.—*Organisation et Composition.*

ARTICLE PREMIER.

SONT maintenus la cour d'appel mixte d'Alexandrie et les trois tribunaux mixtes de première instance du Caire, d'Alexandrie et de Mansourah, avec leurs circonscriptions territoriales actuelles.

Ces circonscriptions peuvent être modifiées par décret après avis de la cour.

ARTICLE 2.

La cour d'appel sera composée de 18 conseillers dont 11 étrangers. Le cas échéant, deux conseillers, dont un étranger, pourront être nommés en sus de ce nombre. Il sera pourvu aux vacances qui se produiront parmi les conseillers étrangers de la cour d'appel par voie de promotion de juges étrangers des tribunaux de première instance.

ARTICLE 3.

Les tribunaux du Caire, d'Alexandrie et de Mansourah seront composés, à la date du 15 octobre 1937, de 61 juges, dont 40 étrangers.

Au fur et à mesure des vacances qui se produiront par voie de mise à la retraite, décès, démission ou promotion parmi les juges étrangers, ces magistrats seront remplacés par des magistrats égyptiens.

Toutefois, le nombre des juges étrangers des tribunaux de première instance ne pourra être inférieur au tiers du nombre des magistrats composant ces tribunaux.

ARTICLE 4.

Il ne sera fait aucune distinction basée sur la nationalité des magistrats tant pour la composition des chambres que pour la désignation aux différents postes de l'organisation judiciaire, y compris la présidence des tribunaux et des chambres.

Le président de la cour d'appel sera de nationalité étrangère et le vice-président, de nationalité égyptienne.

Dans le cas où le président d'un tribunal serait de nationalité égyptienne, le vice-président sera de nationalité étrangère et réciproquement.

ARTICLE 5.

Les arrêts de la cour d'appel sont rendus par cinq conseillers. Toutefois la loi peut fixer à trois conseillers la composition des chambres statuant sur des affaires qui en premier ressort sont de la compétence d'un juge unique.

La cour d'assises est composée de cinq magistrats dont trois conseillers à la cour d'appel.

Les jugements des tribunaux de première instance, tant en matière civile qu'en matière pénale, sont rendus par trois juges.

En matière commerciale, les trois juges peuvent, en vertu d'une loi, être assistés de deux assesseurs avec voix consultative.

En matière de référés, de justice sommaire et de simple police, les jugements sont rendus par un juge unique.

ARTICLE 6

Judges shall be appointed by decree.

They shall be irremovable.

The age at which magistrates may be required to retire shall be 65 years for judges of first instance and 70 years for judges of the Court of Appeal.

Judges shall not be transferred from one Tribunal to another, nor shall they be promoted except in conformity with the recommendation of the General Assembly of the Court of Appeal.

ARTICLE 7

The Presidents and Vice-Presidents of the Court of Appeal and of the Tribunals shall be appointed for one year, by decree, on the nomination of the General Assembly of the Court by an absolute majority of votes. In the case of Tribunals of first instance, nominations shall be made from an alphabetical list drawn up by the General Assembly of each Tribunal and comprising three candidates at Alexandria and at Cairo and two candidates at Mansurah.

The Presidents of the Chambers of the Court of Appeal shall be nominated annually by the General Assembly of the Court.

The Presidents of the Chambers of each Tribunal shall be nominated annually by the General Assembly of the Court on the recommendation of the General Assembly of the Tribunal.

ARTICLE 8

The salaries of judges are fixed by law.

ARTICLE 9

Judges are debarred from engaging in business and from occupying any salaried position.

ARTICLE 10

Discipline over judges shall be exercised exclusively by the Court of Appeal. The General Judicial Regulations shall determine the disciplinary measures and the procedure to be followed in this matter.

ARTICLE 11

Proceedings shall be public, except in cases where the court by reasoned decision orders the hearing to be held *in camera* in the interests of morality or public order.

The accused shall be free to defend himself against the charge.

ARTICLE 12

The judicial languages employed in the Mixed Tribunals for the conduct of cases and for the drafting of official documents and judgments shall be: Arabic, English, French and Italian.

The operative part of judgments shall be pronounced in two of the judicial languages, of which one must be Arabic. After the pronouncement, judgments drawn up in a foreign language shall be translated in their entirety into Arabic and those drawn up in Arabic shall be translated in their entirety into a foreign language.

In the event of divergence between the original text and the translation, the former shall be authentic.

ARTICLE 6.

Les magistrats sont nommés par décret.

Ils sont inamovibles.

La limite d'âge pour la mise à la retraite d'office est fixée à 65 ans pour les juges de première instance et à 70 ans pour les conseillers à la cour d'appel.

Le passage d'un juge d'un tribunal à un autre ainsi que son avancement ne peuvent avoir lieu que sur avis conforme de l'assemblée générale de la cour.

ARTICLE 7.

Les présidents et vice-présidents de la cour d'appel et des tribunaux sont nommés pour un an, par décret, sur désignation de l'assemblée générale de la cour à la majorité absolue des voix. Pour les tribunaux de première instance, la désignation a lieu sur une liste alphabétique dressée par l'assemblée générale de chaque tribunal et comprenant trois candidats à Alexandrie et au Caire et deux candidats à Mansourah.

Les présidents de chambre de la cour d'appel sont désignés chaque année par l'assemblée générale de la cour.

Les présidents de chambre de chaque tribunal sont désignés chaque année par l'assemblée générale de la cour sur présentation de l'assemblée générale du tribunal.

ARTICLE 8.

Les traitements des magistrats sont fixés par la loi.

ARTICLE 9.

Les fonctions de magistrat sont incompatibles avec l'exercice du commerce ou avec toute fonction salariée.

ARTICLE 10.

La discipline des magistrats est réservée à la cour d'appel. Le règlement général judiciaire détermine les mesures disciplinaires et la procédure à suivre en cette matière.

ARTICLE 11.

Les audiences sont publiques, sauf le cas où le tribunal ordonne, par décision motivée, le huis-clos dans l'intérêt des bonnes mœurs ou de l'ordre public.

La défense est libre.

ARTICLE 12.

Les langues judiciaires employées devant les tribunaux mixtes pour les plaidoiries et la rédaction des actes et sentences sont: l'arabe, l'anglais, le français et l'italien.

Le dispositif des sentences sera prononcé dans deux langues judiciaires dont l'une sera obligatoirement l'arabe. Après le prononcé, les sentences rédigées en langue étrangère seront intégralement traduites en langue arabe et celles rédigées en langue arabe seront intégralement traduites en langue étrangère.

En cas de divergence entre le texte original et la traduction, le premier fera foi.

ARTICLE 13

Subject to the exceptions provided for by the Codes, laws or regulations, parties shall be represented at law only by persons authorized to practise as barristers in the Mixed Tribunals. The General Judicial Regulations determine the organisation of the Bar and the conditions for the exercise of discipline over barristers.

ARTICLE 14

The auxiliary staff of the Court of Appeal and of the Tribunals shall include: clerks of the courts, assistant clerks, interpreters, bailiffs and other agents.

The General Judicial Regulations determine the conditions for the exercise of discipline over the above-mentioned staff.

ARTICLE 15

Judgments shall be executed on the order of the court by its bailiffs, with the assistance of the administrative authorities when such assistance is requested.

II. — *The Parquet*

ARTICLE 16

The Parquet of the Mixed Tribunals shall exercise the powers specified hereinafter together with those conferred upon it by law.

It shall be directed by a Procurator-General of foreign nationality.

ARTICLE 17

The Procurator-General shall be assisted by a First Advocate-General of Egyptian nationality and by a Second Advocate-General of foreign nationality.

Should the Procurator-General be absent or otherwise prevented from discharging his duties, he shall be replaced in civil matters and for the purposes of administration by the First Advocate-General and in criminal matters by the Second Advocate-General.

The Procurator-General shall, in addition, have under his direction an adequate number of deputies.

ARTICLE 18

The members of the Parquet shall be appointed by decree. They shall be removable and responsible only to their administrative chiefs and, ultimately, to the Minister of Justice.

ARTICLE 19

The "Ministère public," in the person of the Procurator-General, one of the Advocates-General or a deputy, may sit in all the Chambers and in all the General Assemblies of the Court and of the Tribunals.

ARTICLE 20

In criminal matters, the parquet shall conduct public prosecutions. It shall control the judicial police in all cases falling within the jurisdiction of the Mixed Tribunals.

Officials recognised by law as being members of the judicial police shall, as such, be under the orders of the parquet.

ARTICLE 21

The Procurator-General shall be called upon to give his opinion on the application to any foreigner of the provisions of the Criminal Code and of the "Code d'Instruction criminelle" concerning total or partial remission or commutation of any penalty and the execution of death sentences.

ARTICLE 13.

Sous réserve des exceptions prévues par les codes, les lois ou les règlements, les parties ne peuvent être représentées en justice que par des personnes admises à exercer comme avocats devant les tribunaux mixtes. Le règlement général judiciaire détermine l'organisation du barreau et les conditions de la discipline des avocats.

ARTICLE 14.

Le personnel auxiliaire de la cour d'appel et des tribunaux comprend: les greffiers, les commis-greffiers, les interprètes, les huissiers et autres agents.

Le règlement général judiciaire détermine les conditions de discipline du personnel susvisé.

ARTICLE 15.

L'exécution des sentences est effectuée sur l'ordre du tribunal par ses huissiers, avec l'assistance des autorités administratives lorsqu'elle est requise.

II.—*Parquet.*

ARTICLE 16.

Le parquet près les tribunaux mixtes exerce les attributions prévues ci-après ainsi que celles qui lui sont conférées par la loi.

Il est dirigé par un procureur général de nationalité étrangère.

ARTICLE 17.

Le procureur général est assisté d'un premier avocat général de nationalité égyptienne et d'un deuxième avocat général de nationalité étrangère.

En cas d'absence ou d'empêchement, le procureur général est remplacé par le premier avocat général en matière civile et au point de vue administratif, et par le deuxième avocat général en matière pénale.

Le procureur général a en outre sous sa direction des substituts en nombre suffisant.

ARTICLE 18.

Les magistrats du parquet sont nommés par décret. Ils sont amovibles et relèvent exclusivement de leurs chefs hiérarchiques et, en dernier lieu, du ministre de la justice.

ARTICLE 19.

Le ministère public, en la personne du procureur général, d'un des avocats généraux ou d'un substitut, peut siéger à toutes les chambres et à toutes les assemblées générales de la cour et des tribunaux.

ARTICLE 20.

En matière pénale, le parquet exerce l'action publique. Il dirige la police judiciaire dans toute affaire rentrant dans la juridiction des tribunaux mixtes.

Les fonctionnaires auxquels la loi reconnaît la qualité d'officiers de police judiciaire sont, comme tels, placés sous les ordres du parquet.

ARTICLE 21.

Le procureur général donne son avis lorsqu'il y a lieu d'appliquer, à l'égard d'un étranger, les dispositions du code pénal et du code d'instruction criminelle concernant la remise totale ou partielle ou la commutation d'une peine ainsi que l'exécution de la peine capitale.

ARTICLE 22

The Procurator-General shall supervise prisons and penitentiaries in which foreigners are detained. He shall, in addition, have free access at all times to any other place wherein a foreigner may be detained.

He shall notify the Minister of Justice of all irregularities of which he becomes aware, and shall make to him any other communications called for in the exercise of the supervision for which he is responsible.

ARTICLE 23.

The "Ministère public" shall intervene in all matters involving questions of personal status or nationality. It may furthermore intervene in matters concerning minors or persons under an incapacity, and also in all other cases specified in the Code of Civil Procedure.

It shall further be empowered to order and to have carried out any measures which it may consider proper to safeguard the interests of minors or of persons under an incapacity.

ARTICLE 24.

The parquet shall supervise the administration of judicial funds and also the special deposit and consignment fund.

It shall also supervise the clerks of the court and the bailiffs, who shall be under the exclusive control of the Presidents of the Court and Tribunals.

III.—*Competence.*

ARTICLE 25.

For the purposes of determining the competence of the Mixed Tribunals, the word "foreigners" shall be taken to mean nationals of the High Contracting Parties to the Montreux Convention concerning the Abolition of Capitulations in Egypt, together with nationals of any other State that may be specified by decree.

No Egyptian national may avail himself of the protection of a foreign Power.

Nationals of Syria and the Lebanon and also those of Palestine and Trans-Jordan shall come within the competence of the National jurisdiction as regards both civil and criminal matters.

Foreign nationals (citizens, subjects and protected persons) belonging to religions, confessions or sects for which there exist Egyptian Tribunals dealing with matters of personal status, shall continue to have their cases heard by the said Tribunals in such matters under the same conditions as in the past.

The nationals specified above shall, moreover, have the right to opt between the Mixed jurisdiction and the National jurisdiction in civil and commercial matters. When one of the said nationals is summoned in respect of either of the said matters before a National Tribunal, in a case in connection with which he has not previously accepted the competence of the National jurisdiction, he shall, if he wishes to challenge the competence of the Tribunal before which the case is brought, do so by registered letter or by service of a writ, or at the latest at the first hearing, failing which the Tribunal shall be competent.

(A) *Competence in Civil and Commercial Matters.*

ARTICLE 26.

The Mixed Tribunals shall take cognisance of all civil and commercial suits between foreigners or between foreigners and parties subject to the jurisdiction of the National Courts.

ARTICLE 22.

Le procureur général a la surveillance des prisons et des établissements pénitentiaires dans lesquels des étrangers sont détenus. Il a également à tout moment libre accès à tout autre lieu où un étranger serait détenu.

Il signale au ministre de la justice les irrégularités qu'il constate et lui fait toutes autres communications que comporte la surveillance dont il est chargé.

ARTICLE 23.

Le ministère public intervient dans toute affaire ayant trait au statut personnel ou à la nationalité. Il peut aussi intervenir dans les affaires intéressant des mineurs ou des incapables ainsi que dans tous autres cas prévus par le code de procédure civile.

Il lui appartient en outre d'ordonner et de faire exécuter les mesures qu'il juge opportunes pour la sauvegarde des intérêts des mineurs ou des incapables.

ARTICLE 24.

Le parquet a la surveillance du service des fonds judiciaires et de la caisse spéciale des dépôts et consignations.

Il contrôle en outre les services des greffes et des huissiers dont la direction est réservée aux présidents de la cour et des tribunaux.

III.—*Compétence*

ARTICLE 25.

Aux fins de la compétence des tribunaux mixtes, le mot "étrangers" comprend les ressortissants des Hautes Parties contractantes à la Convention de Montreux concernant l'abolition des Capitulations en Egypte, ainsi que les ressortissants de tout autre Etat qui pourrait être visé par décret.

Aucun ressortissant égyptien ne pourra se prévaloir de la protection d'une Puissance étrangère.

Les ressortissants de la Syrie et du Liban ainsi que ceux de la Palestine et de la Transjordanie seront justiciables de la juridiction nationale tant en matière civile qu'en matière pénale.

Les ressortissants étrangers (citoyens, sujets et protégés) appartenant à des religions, confessions ou rites pour lesquels il existe des tribunaux égyptiens de statut personnel, continueront, dans les mêmes conditions que dans le passé, à être jugés, en cette matière, par lesdits tribunaux.

Les ressortissants susvisés auront en outre la faculté d'opter en matière civile et commerciale entre la juridiction mixte et la juridiction nationale. Lorsqu'un desdits ressortissants sera cité, dans l'une de ces matières, devant un tribunal national, dans une affaire à propos de laquelle il n'aura pas préalablement accepté la compétence de la juridiction nationale, il devra, s'il désire décliner la compétence du tribunal saisi, le faire par lettre recommandée ou exploit d'huissier, ou au plus tard à la première audience, faute de quoi le tribunal sera compétent.

(A) *Compétence en matière civile et commerciale.*

ARTICLE 26.

Les tribunaux mixtes connaissent de toutes contestations en matière civile et commerciale entre étrangers et entre étrangers et justiciables des tribunaux nationaux.

Nevertheless, the National Tribunals shall be competent in the aforesaid matters in respect of any foreigner who agrees to submit himself to their jurisdiction.

Such submission may result from a clause attributing competence or from the fact (1) that the foreigner has himself initiated the proceedings before the National Courts; or (2) that he has not challenged the competence of the said courts before the pronouncement of a judicial decision in proceedings wherein he has appeared as defendant or as an intervening party.

Submission to the jurisdiction of a court of first instance entails submission to the jurisdiction of superior courts of the same jurisdiction.

ARTICLE 27

The mixed Tribunals shall also take cognisance of suits and matters relating to personal status in cases wherein the law to be applied according to the terms of Article 29 is a foreign law.

ARTICLE 28

Personal status comprises: suits and matters relating to the status and capacity of persons, legal relations between members of a family, more particularly betrothal, marriage, the reciprocal rights and duties of husband and wife, dowry and their rights of property during marriage, divorce, repudiation, separation, legitimacy, recognition and repudiation of paternity, the relation between ascendants and descendants, the duty of support as between relatives by blood or marriage, legitimation, adoption, guardianship, curatorship, interdiction, emancipation, and also gifts, inheritance, wills and other dispositions *mortis causa*, absence and the presumption of death.

ARTICLE 29

The status and capacity of persons shall be governed by their national laws.

The fundamental conditions of the validity of marriage shall be governed by the national law of each of the parties thereto.

In matters concerning relations between the husband and wife, including separation, divorce and repudiation and the effects thereof upon their property, the law to be applied shall be the national law of the husband at the time of the celebration of the marriage.

Reciprocal rights and duties as between parents and children shall be governed by the national law of the father.

The duty of maintenance shall be governed by the national law of the party against whom the claim is made.

Matters relating to legitimacy, legitimation, and the recognition and repudiation of paternity shall be governed by the national law of the father.

Questions relating to the validity of adoption shall be governed by the national law of the adopting party as well as by that of the adopted person. The effects of adoption shall be governed by the national law of the adopting party.

Guardianship, curatorship and emancipation shall be governed by the national law of the person under the incapacity.

Inheritance and wills shall be governed by the national law of the deceased or of the testator.

Gifts shall be governed by the national law of the donor at the time of the gift.

The rules of the present article shall not affect provisions relating to the legal position of immovable property in Egypt.

Toutefois, les tribunaux nationaux sont compétents en ces matières à l'égard de tout étranger qui accepte de se soumettre à leur juridiction.

Cette soumission peut résulter d'une clause attributive de compétence ou du fait: 1° que l'étranger a lui-même introduit la procédure devant les tribunaux nationaux; 2° qu'il n'a pas décliné la compétence de ces tribunaux avant le prononcé d'un jugement dans une procédure où il a comparu comme défendeur ou intervenant.

Le fait de se soumettre à la juridiction d'un tribunal de premier degré entraîne la soumission à la juridiction des tribunaux supérieurs du même ordre.

ARTICLE 27.

Les tribunaux mixtes connaissent également des contestations et des questions relatives au statut personnel dans les cas où la loi applicable aux termes de l'article 29 est une loi étrangère.

ARTICLE 28.

Le statut personnel comprend: les contestations et les questions relatives à l'état et à la capacité des personnes; au droit de famille, notamment aux fiançailles, au mariage, aux droits et devoirs réciproques des époux, à la dot et au régime des biens entre époux, au divorce, à la répudiation, à la séparation, à la filiation, à la reconnaissance et au désaveu de paternité, aux relations entre ascendants et descendants, à l'obligation alimentaire entre les parents et entre les alliés, à la légitimation, à l'adoption, à la tutelle, à la curatelle, à l'interdiction, à l'émancipation; aux donations, aux successions, aux testaments et autres dispositions à cause de mort; à l'absence et à la présomption de décès.

ARTICLE 29.

L'état et la capacité des personnes sont régis par leurs lois nationales.

Les conditions de fond relatives à la validité du mariage sont régies par la loi nationale de chacun des époux.

Dans les matières relatives aux rapports entre époux, y compris la séparation, le divorce et la répudiation, et à leurs effets quant aux biens, la loi applicable sera la loi nationale du mari au moment de la célébration du mariage.

Les droits en devoirs réciproques entre parents et enfants sont régis par la loi nationale du père.

L'obligation alimentaire est régie par la loi nationale du débiteur.

Les matières relatives à la filiation, à la légitimation, à la reconnaissance et au désaveu de paternité sont régies par la loi nationale du père.

Les questions relatives à la validité de l'adoption sont régies par la loi nationale de l'adoptant aussi bien que par celle de l'adopté. Les effets de l'adoption sont régis par la loi nationale de l'adoptant.

La tutelle, la curatelle et l'émancipation sont régies par la loi nationale de l'incapable.

Les successions et les testaments sont régis par la loi nationale du de cujus ou du testateur.

Les donations sont régies par la loi nationale du donateur au moment de la donation.

Les règles du présent article ne portent pas atteinte aux dispositions relatives au régime de la propriété immobilière en Egypte.

ARTICLE 30

Should the nationality of a person be unknown, or should he at the same time possess the nationality of each of several foreign States, the judge shall decide what law shall be applied.

Should a person at the same time possess the nationality of Egypt under Egyptian law and of one or more foreign States under the laws of the State or States concerned, the law to be applied shall be the Egyptian law.

ARTICLE 31

The expression "national law" shall be understood to mean the provisions of the internal law of the country in question to the exclusion of its rules of private international law.

ARTICLE 32

Rules of procedure prescribed by a foreign law shall not apply in so far as they are incompatible with Egyptian rules of procedure.

ARTICLE 33

Subject to the provisions of Articles 34, 35, 36 and 37, the competence of the Mixed Tribunals shall be determined solely by the nationality of the parties directly concerned, without regard to any mixed interests which may be indirectly concerned.

ARTICLE 34

Companies of Egyptian nationality already incorporated, in which there are substantial foreign interests shall, in their suits with persons subject to the jurisdiction of the National Tribunals, be subject to the jurisdiction of the Mixed Tribunals unless the terms of their incorporation contain a clause attributing competence to the National Tribunals, or unless they have accepted the jurisdiction of the said courts in accordance with Article 26.

ARTICLE 35.

The Mixed Tribunals shall similarly be competent in matters arising out of the bankruptcy of a person subject to the jurisdiction of the National Tribunals if one of the creditors party to the proceedings is a foreigner.

ARTICLE 36.

The creation of a charge in favour of a foreigner over immovable property, whoever may be the person in possession or the owner thereof, renders the Mixed Tribunals *ipso facto* competent to determine the validity of the charge and all its consequences up to and including the forced sale of the said property and also the distribution of the monies realised thereby.

ARTICLE 37.

The Mixed Tribunals shall not take cognisance of an action not in itself falling within their competence, even if it arises as a third party proceeding to an action already instituted before them. Nevertheless, they shall take cognisance of the said third party proceedings when the jurisdiction before which it has been brought, decides in the interests of justice, to remit it to be pleaded before them.

The Mixed Tribunals may, if they consider that the interests of justice so require, remit to be pleaded before the National Courts an action instituted before them, which is a third party proceeding to a principal action already instituted before the said National Courts.

ARTICLE 30.

A défaut de nationalité connue, ou si une personne a simultanément, au regard de plusieurs Etats étrangers, la nationalité de chacun d'eux, le juge déterminera la loi applicable.

Si une personne possède simultanément, au regard de l'Egypte, la nationalité égyptienne et, au regard d'un ou plusieurs Etats étrangers, la nationalité de ces Etats, la loi applicable sera la loi égyptienne.

ARTICLE 31.

Par le terme "loi nationale," on doit entendre les dispositions internes de cette loi à l'exclusion de ses dispositions de droit international privé.

ARTICLE 32.

Les règles de procédure prévues par une loi étrangère ne sont pas applicables en tant qu'elles sont incompatibles avec les règles de procédure égyptiennes.

ARTICLE 33.

Sous réserve des dispositions des articles 34, 35, 36 et 37, la compétence des tribunaux mixtes est déterminée uniquement par la nationalité des parties réellement en cause, sans égard aux intérêts mixtes qui pourraient être indirectement engagés.

ARTICLE 34.

Dans leurs contestations avec des justiciables des tribunaux nationaux, les sociétés de nationalité égyptienne déjà constituées, dans lesquelles entrent des intérêts étrangers sérieux, sont justiciables des tribunaux mixtes, à moins que leurs statuts ne contiennent une clause attributive de compétence aux tribunaux nationaux ou qu'elles n'aient accepté la juridiction de ces tribunaux conformément à l'article 26.

ARTICLE 35.

Les tribunaux mixtes sont de même compétents en matière de faillite d'un justiciable des tribunaux nationaux, si l'un des créanciers parties à la procédure est étranger.

ARTICLE 36.

Le seul fait de la constitution d'une hypothèque en faveur d'un étranger sur les biens immeubles, quels que soient le possesseur et le propriétaire, rend les tribunaux mixtes compétents pour statuer sur la validité de l'hypothèque et sur toutes ses conséquences, jusques et y compris la vente forcée de l'immeuble ainsi que la distribution du prix.

ARTICLE 37.

Les tribunaux mixtes ne peuvent pas connaître d'une action qui n'est pas en soi de leur compétence, même si elle se présente comme accessoire à une action déjà introduite devant eux. Toutefois, ils connaîtront de ladite action accessoire lorsque la juridiction qui en aura été saisie estimera, dans l'intérêt de la justice, devoir renvoyer les parties se pourvoir devant eux.

Les tribunaux mixtes peuvent, s'ils estiment devoir le faire dans l'intérêt de la justice, renvoyer les parties se pourvoir devant les tribunaux nationaux lorsque l'action introduite devant eux se présente comme une action accessoire à une action principale déjà introduite devant lesdits tribunaux nationaux.

ARTICLE 38.

Suits by foreigners against a Wakf involving a claim to the ownership of immovable property of the said Wakf shall not be submitted to the Mixed Tribunals. Nevertheless, the said Tribunals shall be competent to give judgment on claims brought in respect of legal possession, whoever may be plaintiff or defendant.

Furthermore, suits directly or indirectly concerning the constitution of a Wakf or the validity, interpretation or application of its clauses, or the appointment or removal of the Nazir shall not come within the competence of the Mixed Tribunals.

The Mixed Tribunals may, nevertheless, declare void as against creditors the constitution of property as a Wakf in fraud of the rights of such creditors.

ARTICLE 39.

When, in the course of proceedings, an issue is raised concerning the personal status of a party coming in that respect within the jurisdiction of some other court, the Mixed Tribunals shall, if they consider it necessary to secure a preliminary decision upon that issue, suspend judgment on the main issue and prescribe a time limit within which the party against whom the interlocutory plea has been raised must have the matter finally decided by the competent court. If such a preliminary decision is not considered necessary, they shall proceed to give a decision on the main issue.

ARTICLE 40.

The cession of a right to a foreigner, the citing of a foreigner as third party, or a fictitious assignment to a foreigner shall not render the Mixed Tribunals competent to decide suits coming within the competence of the National Courts if the object of the said cession, citation or fictitious assignment is to remove such litigation from the cognisance of the National Tribunals.

Any cession of a right to a foreigner agreed to during the course of the proceedings shall be presumed to have been made with the above object. The Court may, however, in exceptional cases, admit proof to the contrary.

Subject to the provisions of the preceding paragraph, the competence of the Mixed Tribunals cannot be challenged on the ground that the assignment is fictitious where the assignment is made by means of the endorsement of a negotiable instrument.

The irregular endorsement of a negotiable instrument to a foreigner, or its endorsement to a foreigner for purposes of collection, shall not give competence to the Mixed Tribunals in the case of suits that are within the competence of the National Courts.

ARTICLE 41.

Should the litigant whose foreign character gave competence to the Mixed Tribunals cease before the close of the hearing to be a party to the proceedings, the said Tribunals shall, on objection being raised by one of the parties, cease to have competence in the matter, which shall be transferred as it stands to the National Courts.

ARTICLE 42.

A change in the nationality of one of the parties during the course of the proceedings shall have no effect on the competence of the court before which a case has been properly brought.

ARTICLE 38.

Ne sont pas soumises aux tribunaux les demandes des étrangers contre un wakf en revendication de la propriété d'immeubles de ce wakf; mais ces tribunaux sont compétents pour statuer sur la demande intentée sur la question de possession légale, quel que soit le demandeur ou le défendeur

Ne sont pas non plus de la compétence des tribunaux mixtes les contestations ayant directement ou indirectement pour objet la constitution d'un wakf, la validité, l'interprétation ou l'application de ses clauses, ou la nomination ou révocation du nazir.

Les tribunaux mixtes peuvent toutefois déclarer inopposable aux créanciers du constituant la constitution en wakf d'un bien, faite en fraude de leurs droits.

ARTICLE 39.

Lorsque, dans une instance, une exception relative au statut personnel d'une partie justiciable en cette matière d'une autre juridiction est soulevée, les tribunaux mixtes, s'ils reconnaissent la nécessité de faire statuer au préalable sur l'exception, doivent surseoir au jugement du fond et fixer un délai à la partie contre laquelle la question préjudicielle a été soulevée pour la faire juger définitivement par le juge compétent. Si cette nécessité n'est pas reconnue, il sera passé outre au jugement du fond.

ARTICLE 40.

La cession d'un droit à un étranger, la mise en cause d'un étranger ou la constitution d'un prête-nom étranger ne peut donner compétence aux tribunaux mixtes pour statuer sur des contestations de la compétence des tribunaux nationaux, lorsque la cession, la mise en cause ou la constitution du prête-nom a pour but de distraire des tribunaux nationaux la connaissance de ces litiges.

Est présumée avoir été faite dans ce but toute cession consentie en cours d'instance. Le tribunal peut toutefois, dans des cas exceptionnels, admettre la preuve du contraire.

Sous réserve de la disposition de l'alinéa précédent, l'exception de prête-nom ne saurait être opposée lorsqu'il s'agit de cessions par voie d'endossement d'effets de commerce.

L'endossement irrégulier ou en recouvrement d'un effet de commerce à un étranger ne donne pas compétence aux tribunaux mixtes pour des contestations de la compétence des tribunaux nationaux.

ARTICLE 41.

Lorsque le plaideur, dont le caractère étranger donnait compétence aux tribunaux mixtes, ne se trouve plus, avant la clôture des débats être partie à l'instance, ces tribunaux, sur l'exception soulevée par l'une des parties, cesseront d'avoir compétence dans l'affaire, qui sera transférée en l'état aux tribunaux nationaux.

ARTICLE 42.

Le changement de nationalité de l'une des parties, survenu en cours d'instance, ne pourra modifier la compétence du tribunal régulièrement saisi.

ARTICLE 43.

The Mixed Tribunals may not directly or indirectly pass judgment on acts of sovereignty. They may not give decisions on the validity of the application of Egyptian laws or regulations to foreigners.

Furthermore, they may not give decisions on the ownership of public property.

Nevertheless, though they may not interpret an administrative act or arrest the execution thereof, they shall be competent to hear (1) all civil and commercial actions between foreigners and the State concerning movable or immovable property; (2) civil actions brought by foreigners against the State in respect of administrative measures taken in violation of laws or regulations.

(B) *Criminal Competence.*

ARTICLE 44

The Mixed Tribunals shall hear all prosecutions of foreigners in respect of acts punishable by law.

ARTICLE 45.

The Mixed Tribunals shall further hear all prosecutions against principal offenders or their accomplices, of whatever nationality, in respect of the following crimes and misdemeanours:—

(1) crimes and misdemeanours committed directly against judges and judicial officers of the Mixed Tribunals in the performance, or in connexion with the performance of their duties;

(2) crimes and misdemeanours committed directly to hinder the execution of judgments and warrants of the Mixed Tribunals;

(3) crimes and misdemeanours alleged against judges and judicial officers if they are accused of having committed them in the performance of their duties or in abuse of their powers;

(4) bankruptcy offences, whether crimes or misdemeanours with or without fraud, where the bankruptcy proceedings are before the Mixed Tribunals.

The term judicial officers in paragraphs (1) and (3) above shall comprise: clerks of the Court, sworn assistant clerks, interpreters attached to the Tribunal, and the official bailiffs, but not persons incidentally entrusted, by delegation from the Tribunal, with the service or execution of writs or warrants.

ARTICLE 46.

In criminal matters the police courts shall deal with offences defined as contraventions by law and misdemeanours carrying a penalty of not more than three months' imprisonment.

The correctional courts shall deal with offences defined as misdemeanours by law other than those referred to in the preceding paragraph, and shall hear appeals against decisions given by the police courts.

The assize courts shall deal with offences defined as crimes by law.

ARTICLE 47.

Arrests and domiciliary searches of foreigners, except in cases of "*flagrant délit*" or a call for help from within the dwelling-house shall be carried out by, or in the presence of, a member of the Mixed Parquet or an officer of the judicial police to whom such functions have been delegated by the Mixed Parquet.

ARTICLE 43.

Les tribunaux mixtes ne peuvent connaître directement ou indirectement des actes de souveraineté. Ils ne peuvent pas statuer sur la validité de l'application aux étrangers des lois ou règlements égyptiens.

Ils ne peuvent pas, non plus, statuer sur la propriété du domaine public.

Mais, sans pouvoir interpréter un acte d'administration ou en arrêter l'exécution, ils sont compétents pour connaître: 1° en matière civile ou commerciale, de toutes contestations mobilières ou immobilières entre les étrangers et l'Etat; 2° de toute action en responsabilité civile intentée par un étranger contre l'Etat à raison de mesures administratives prises en violation des lois ou règlements.

(B) *Compétence pénale.*

ARTICLE 44.

Les tribunaux mixtes connaissent de toute poursuite contre un étranger pour un fait punissable par la loi.

ARTICLE 45.

Les tribunaux mixtes connaissent en outre des poursuites contre les auteurs ou complices, quelle que soit leur nationalité, des crimes et délits suivants:

1° crimes et délits commis directement contre les magistrats et officiers de justice des tribunaux mixtes dans l'exercice ou à l'occasion de l'exercice de leurs fonctions;

2° crimes et délits commis directement contre l'exécution des sentences et des mandats de justice des tribunaux mixtes;

3° crimes et délits imputés aux juges et officiers de justice, quand ils sont accusés de les avoir commis dans l'exercice de leurs fonctions ou par suite d'un abus de ces fonctions;

4° crimes et délits de banqueroute simple ou frauduleuse dans les cas de faillites mixtes.

Sont compris sous la désignation d'officiers de justice, dans les paragraphes 1 et 3 ci-dessus, les greffiers, les commis greffiers assermentés, les interprètes attachés au tribunal et les huissiers titulaires, mais non les personnes chargées accidentellement, par délégation du tribunal, d'une signification ou d'un acte d'huissier.

ARTICLE 46.

En matière pénale, les tribunaux de simple police jugent les faits qualifiés contraventions par la loi et les délits comportant une peine ne dépassant pas trois mois d'emprisonnement.

Les tribunaux correctionnels jugent les faits qualifiés délits par la loi, autres que ceux visés à l'alinéa précédent, et les appels contre les jugements rendus par les tribunaux de simple police.

Les cours d'assises jugent les faits qualifiés crimes par la loi.

ARTICLE 47.

Les arrestations d'étrangers et les perquisitions au domicile d'étrangers, sauf dans les cas de flagrant délit ou de demande de secours venant de l'intérieur du domicile, seront effectuées par les soins ou en présence d'un membre du parquet mixte ou d'un officier de la police auquel ces fonctions auront été déléguées par le parquet mixte.

ARTICLE 48.

In criminal matters, if the Parquet considers there are grounds for prosecution, it must refer the case to the investigating magistratè.

In correctional matters also, the Parquet shall refer the case to the investigating magistrate unless it decides that the information received on summary enquiry is sufficient for the case to be brought to trial. In such a case, if the accused has been heard, or if his absence or the impossibility of finding his residence has been duly established, the Parquet may summon him directly before the Tribunal.

Nevertheless, at the request of the accused or of the Parquet, or without being moved thereto, the tribunal may declare the summons to be annulled and order the case to be referred to the investigating magistrate.

ARTICLE 49.

The detention of any foreigner shall at once be notified to the Parquet. The Parquet is bound within the time specified in the Code d'Instruction criminelle and, at longest, within four days either to order the release of the person detained or to send him before the investigating magistrate.

Any foreigner who is detained pending trial shall have the right to inform his Consul and his lawyer of his detention through the intermediary of the Parquet.

The Consul and the lawyer of the detained person may visit him in prison under conditions approved by the Parquet.

ARTICLE 50.

Except in cases of urgency, if the accused has no defending counsel one shall be appointed for him, if he so requests, at the time of his interrogation, failing which the proceedings shall be void.

A defending counsel shall further be officially appointed within a reasonable time before the hearing of the case to every accused person committed for trial before the Assize Court.

IV.—*General and Transitory Provisions.*

ARTICLE 51.

The Mixed Tribunals shall administer justice in Our Name.

ARTICLE 52.

Where the law is silent, insufficient or obscure, the judge shall act in conformity with the principles of natural law and with the rules of equity.

ARTICLE 53.

Actions begun prior to the 15th October, 1937, before a Consular jurisdiction shall be continued before that jurisdiction until a final judgment has been given.

The same shall apply to actions which have been begun prior to that date before the Mixed Tribunals and which, by virtue of the present law, would come within the competence of the National Tribunals.

In civil matters, actions referred to in the two paragraphs above may, on the request of the parties thereto and with the consent of all persons having an interest therein, be referred at the stage which they have reached to the courts which are competent according to the provisions of the preceding Articles in order that they may be continued and decided therein.

In criminal matters also, Consular jurisdictions may refer cases begun prior to the 15th October, 1937, to the Mixed Tribunals.

ARTICLE 48.

En matière criminelle, si le parquet estime qu'il y a lieu de poursuivre, il doit saisir de l'affaire le juge d'instruction.

En matière correctionnelle, le parquet saisit également le juge d'instruction, à moins qu'il n'estime que les éléments recueillis dans une information sommaire sont suffisants pour poursuivre l'instruction de l'affaire à l'audience. Dans ce cas, si l'inculpé a été entendu ou si son absence ou l'impossibilité de trouver son domicile a été dûment constatée, le parquet peut le citer directement devant le tribunal.

Le tribunal peut toutefois, soit à la demande de l'inculpé ou du parquet, soit d'office, prononcer l'annulation de la citation et ordonner le renvoi de l'affaire devant le juge d'instruction.

ARTICLE 49.

La détention de tout étranger est immédiatement signalée au parquet, qui doit, dans les conditions fixées par le code d'instruction criminelle et au plus tard dans les quatre jours, ordonner la mise en liberté du détenu ou le déférer au juge d'instruction.

Tout étranger en état de détention préventive a le droit d'aviser de sa détention son consul et son avocat par l'intermédiaire du parquet.

Le consul et l'avocat du détenu peuvent lui rendre visite dans la prison suivant les modalités approuvées par le parquet.

ARTICLE 50.

Sauf en cas d'urgence, si l'inculpé n'a pas de défenseur, il lui en sera désigné un, s'il le demande, au moment de l'interrogatoire, à peine de nullité.

Il sera en outre désigné un défenseur d'office dans un délai raisonnable avant l'audience à tout accusé déféré à la cour d'assises.

IV.—*Dispositions générales et transitoires.*

ARTICLE 51.

Les tribunaux mixtes rendent la justice en Notre Nom.

ARTICLE 52.

En cas de silence, d'insuffisance ou d'obscurité de la loi, le juge se conformera aux principes du droit naturel et aux règles de l'équité.

ARTICLE 53.

Les causes commencées avant le 15 octobre 1937 devant une juridiction consulaire seront continuées devant cette juridiction jusqu'à leur solution définitive.

Il en sera de même des causes commencées avant cette date devant les tribunaux mixtes et qui, en vertu de la présente loi, seraient de la compétence des tribunaux nationaux.

En matière civile, les causes visées aux deux alinéas ci-dessus pourront, à la demande des parties et avec le consentement de tous les intéressés, être déférées aux tribunaux compétents suivant les dispositions des articles précédents pour y être poursuivies et jugées en l'état de la procédure où elles se trouvent.

En matière pénale, les juridictions consulaires pourront également déférer aux tribunaux mixtes les affaires commencées avant le 15 octobre 1937.

ARTICLE 54

Judgments and orders of the Consular Courts shall continue to have the force of *res judicata* and shall, when necessary, be executed through the agency of the Mixed Tribunals.

ARTICLE 55

Prescriptions and foreclosures which were applicable in cases when within the competence of the Consular Courts shall continue to apply when they come before the Mixed Tribunals.

ARTICLE 56

Notwithstanding the provisions of Article 27, the Mixed Tribunals shall not have competence in matters of personal status where the law applicable in accordance with the provisions of Article 29 is that of a High Contracting Party to the Convention regarding the abolition of the Capitulations in Egypt, who, in accordance with Article 9 of that Convention, has reserved jurisdiction in personal status for his Consular Courts and that reservation has not been withdrawn.

ARTICLE 57

The provisions of the existing General Judicial Regulations shall remain in force in so far as they are not abrogated or modified by the preceding provisions.

No modification of the said Regulations proposed by the General Assembly of the Court shall take effect until promulgated by decree on the proposal of the Minister of Justice.

ARTICLE 58

The present *Règlement d'organisation judiciaire pour les procès mixtes en Egypte* and any provisions contrary to the present law are hereby abrogated.

PROTOCOL

On signing the Convention regarding the abolition of the Capitulations in Egypt bearing this day's date,

The undersigned Plenipotentiaries,

Being desirous of determining exactly some of the provisions of the Convention and of its Annex,

Have agreed as follows:

I

It is understood that the provisions of Article 2, paragraph 2, of the Convention relating to the non-discrimination rule and applicable during the transition period must be interpreted in the light of international practice relating to undertakings of that nature between countries enjoying legislative sovereignty.

II

With reference to Article 6, paragraph 1, of the *Règlement d'organisation judiciaire*, it is understood that the selection of foreign judges is a matter for the Royal Egyptian Government, but that, in order to satisfy itself regarding the suitability of the persons whom it may select, the Royal Egyptian Government will approach unofficially the Ministers of Justice of the foreign countries concerned, and will appoint only persons of whom their respective Governments approve.

ARTICLE 54.

Les jugements et ordonnances des tribunaux consulaires garderont l'autorité de la chose jugée et seront exécutés, le cas échéant, par l'entremise des tribunaux mixtes.

ARTICLE 55.

Les prescriptions et forclusions qui étaient applicables dans les matières de la compétence des tribunaux consulaires garderont leur effet devant les tribunaux mixtes.

ARTICLE 56.

Nonobstant les dispositions de l'article 27, les tribunaux mixtes ne seront pas compétents en matière de statut personnel lorsque la loi applicable conformément aux dispositions de l'article 29 est celle d'une Puissance partie à la Convention concernant l'abolition des Capitulations en Egypte qui, conformément à l'article 9 de ladite Convention, a réservé à ses tribunaux consulaires la juridiction en matière de statut personnel et n'a pas retiré cette réserve.

ARTICLE 57.

Les dispositions du règlement général judiciaire actuel, en tant qu'elles n'ont pas été abrogées ou modifiées par les dispositions précédentes, continueront à être en vigueur.

Toute modification audit règlement proposée par l'assemblée générale de la cour ne sera rendue exécutoire que si elle est promulguée par un décret sur la proposition du ministre de la justice.

ARTICLE 58.

Sont abrogés le Règlement d'organisation judiciaire actuel pour les procès mixtes en Egypte, ainsi que toutes dispositions contraires à la présente loi.

PROTOCOLE

Au moment de signer la Convention concernant l'abolition des Capitulations en Egypte, portant la date de ce jour,

Les plénipotentiaires soussignés,

Désireux de préciser certaines des dispositions de la Convention et de son annexe,

Sont convenus de ce qui suit:

I.

Il est entendu que les dispositions du deuxième alinéa de l'article 2 de la Convention relatives à la règle de non-discrimination et applicables pendant la période transitoire, doivent être interprétées à la lumière de la pratique internationale concernant les engagements de cette nature entre pays jouissant de la souveraineté législative.

II.

Au sujet de l'article 6, alinéa premier, du Règlement d'organisation judiciaire, il est entendu que le choix des magistrats étrangers appartient au Gouvernement royal égyptien, mais que, pour être rassuré lui-même sur les garanties que présenteront les personnes dont il fera choix, il s'adressera officieusement aux ministre de la justice à l'étranger et n'engagera que les personnes munies de l'acquiescement de leur gouvernement.

Done at Montreux, in a single copy in French and English, both texts being equally authentic, on the eighth day of May, one thousand nine hundred and thirty-seven.

Fait à Montreux, en un seul exemplaire en français et en anglais, les deux textes faisant également foi, le huit mai mil neuf cent trente-sept.

BERT FISH.

P. FORTHOMME.

DAVID EUAN WALLACE.

DAVID VICTOR KELLY.

WILLIAM ERIC BECKETT.

DAVID EUAN WALLACE.

DAVID EUAN WALLACE.

S. F. N. GIE.

H. T. ANDREWS.

F. T. CREMINS.

DAVID EUAN WALLACE.

N. P. ARNSTEDT.

N. V. BOEG.

MOUSTAPHA EL-NAHAS.

A. MAHER.

WACYF BOUTROS GHALI.

MAKRAM EBEID.

A. BADAoui.

A. FABRA RIBAS.

MARIANO GOMEZ.

F. DE TESSAN.

HYMANS.

N. POLITIS.

G. ROUSSOS.

C. VRYAKOS.

C. M. SAKELLAROPOULO.

L. ALDROVANDI.

SALVATORE MESSINA.

PEIRO PARINI.

GHIGI.

MICHAËL HANSSON.

W. C. BEUCKER ANDREAE.

J. BOSCH DE ROSENTHAL.

W. DE BYLANDT.

J. CAEIRO DA MATTA.

MALMAR.

DECLARATION BY THE ROYAL EGYPTIAN GOVERNMENT.

THE undersigned, acting in virtue of their full powers, make the following declaration:—

1. *Competence of the Mixed Tribunals*

With reference to Article 25, paragraph 1, of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government has already decided to extend by decree the competence of the Mixed Tribunals to nationals of the following eight States: Austria, Czechoslovakia, Germany, Hungary, Poland, Roumania, Switzerland, Yugoslavia.

2. *Non-discrimination Rule*

With reference to Article 2, paragraph 2, of the Convention and the Protocol relating thereto, the fact that the effect of the non-discrimination rule referred to in the above-mentioned Article 2 is limited to the duration of the transition period, does not imply any intention on the part of the Royal Egyptian Government to pursue thereafter in this matter any contrary policy of discrimination against foreigners. The Royal Egyptian Government is, moreover, prepared to conclude Establishment Treaties and Treaties of Friendship with the various Powers.

3. *Personal Status*

The Royal Egyptian Government, having already, and more particularly in the Establishment Treaties which it has concluded with Iran and Turkey, spontaneously adopted the principle that, in matters of personal status, the personal law should apply, intends to adopt the same principle with regard thereto in the future.

As regards the rules of procedure, which the Royal Egyptian Government intends to enact for cases of personal status, these will be applied provided that no substantive rule of the foreign national law prevents their application.

4. *Deportation*

Although the abolition of Capitulations entails the removal of all the existing restrictions on the Royal Egyptian Government's right to deport foreigners who are within Egyptian territory, nevertheless that Government does not intend to exercise during the transition period its right of deportation in respect of a foreigner subject to the jurisdiction of the Mixed Tribunals, who shall have resided in Egypt for at least five years, or to refuse such a foreigner access to Egyptian territory, if he has temporarily quitted that territory, unless:

- (a) he has been convicted in respect of a crime or misdemeanour punishable by more than three months' imprisonment, or
- (b) he has been guilty of activities of a subversive nature or to the prejudice of public order or public tranquillity, morality or health, or
- (c) he is indigent and a burden upon the State.

The Royal Egyptian Government further proposes to set up an administrative advisory committee, of which the Procurator-General of the Mixed Tribunals shall be a member, for the purpose of examining any disputes on the subject of the identity or the nationality of the person whose deportation is under consideration, or of the length of his residence in Egypt, or of the existence of the facts which constitute the grounds for deportation.

DÉCLARATION DU GOUVERNEMENT ROYAL ÉGYPTIEN.

LES soussignés, agissant en vertu de leurs pleins pouvoirs, procèdent à la déclaration suivante:

1. *Compétence des Tribunaux mixtes.*

Le Gouvernement royal égyptien, se référant à l'article 25, alinéa premier, du Règlement d'organisation judiciaire, a déjà décidé d'étendre par décret la compétence des tribunaux mixtes aux ressortissants des huit Etats suivants: Allemagne, Autriche, Hongrie, Pologne, Roumanie, Suisse, Tchécoslovaquie et Yougoslavie.

2. *Règle de Non-Discrimination.*

En ce qui concerne l'article 2, alinéa 2, de la Convention et le Protocole relatif à ce texte, le fait d'avoir limité à la durée de la période transitoire l'effet de la règle de non-discrimination visée dans l'article 2 précité n'implique pas, de la part du Gouvernement royal égyptien, l'intention de suivre en cette matière, à la fin de ladite période, une politique opposée, de discrimination au détriment des étrangers. Le Gouvernement royal égyptien est d'ailleurs disposé à conclure des traités d'établissement et d'amitié avec les diverses Puissances.

3. *Statut personnel.*

Ayant déjà spontanément adopté le principe de la personnalité des lois en matière de statut personnel, notamment dans les traités d'établissement conclus avec l'Iran et la Turquie, le Gouvernement royal égyptien entend suivre en cette matière à l'avenir le même principe.

Quant aux règles de procédure que le Gouvernement royal égyptien se propose d'édicter en matière de statut personnel, elles seront appliquées sous réserve qu'une règle de fond de la loi nationale étrangère ne fasse pas obstacle à cette application.

4. *Expulsion.*

L'abolition des Capitulations entraînant la suppression de toutes les restrictions au droit du Gouvernement royal égyptien d'expulser les étrangers se trouvant sur le territoire de l'Egypte, il n'entre pas cependant dans les intentions de ce Gouvernement d'exercer, durant la période transitoire, sont droit d'expulsion à l'égard d'un étranger justiciable des tribunaux mixtes qui aura résidé en Egypte pendant au moins cinq années, ni de lui refuser l'accès du territoire égyptien s'il l'a temporairement quitté, sauf dans l'un des cas suivants:

- (a) s'il a été condamné pour un crime ou pour un délit punissable de plus de trois mois d'emprisonnement;
- (b) s'il s'est rendu coupable d'activités de nature subversive ou portant atteinte à l'ordre public ou à la tranquillité, la morale ou la santé publiques;
- (c) s'il est indigent et à la charge de l'Etat.

Le Gouvernement royal égyptien se propose en outre d'instituer une commission administrative consultative dont fera partie le Procureur général près les tribunaux mixtes, en vue de faire examiner par elle, le cas échéant, les contestations au sujet soit de l'identité ou de la nationalité de la personne dont l'expulsion est envisagée, soit de la durée de son séjour en Egypte, soit de l'existence des faits sur lesquels l'expulsion est basée.

5. *Extradition.*

In conformity with the practice generally adopted in regard to extradition, the Royal Egyptian Government intends to adopt judicial procedure in this matter. It will therefore be necessary for the Mixed Tribunals to pronounce upon the regularity of the request for extradition when such request relates to a foreigner within the jurisdiction of the said Tribunals.

6. *Clause relating to the Jurisdiction to which Disputes should be submitted.*

With reference to Article 26 of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government does not intend to insert in Government contracts (including contracts made by public administrations and municipalities) any clause relating to the jurisdiction to which disputes should be submitted.

7. *Judges, Officials and Members of the Bar.*

The Royal Egyptian Government does not intend to alter either the existing conditions of service or the present salaries of judges of the Mixed Tribunals.

Similarly, the Government does not intend to alter the present salaries of officials and employees of the said Tribunals.

It will give sympathetic consideration to their treatment in respect of grading, rules for increase of salary and promotion, when the new cadre now being considered is introduced.

The case of any such officials and employees who may be retired at the end of the transition period will receive special consideration, the circumstances peculiar to each individual being taken into account. Should such circumstances justify it, certain advantages may be granted in the matter of the pension or compensation to be paid.

As regards the pensions of foreign judges, officials and employees, the Government intends to ensure that they are not prejudiced by double taxation.

Furthermore, in the case of advocates admitted to practise at the Mixed Bar the Egyptian Government intends to take the necessary measures to enable such advocates, at the end of the transition period, to obtain unconditionally the inscription of their names and the recognition of their professional seniority on the roll of the Order of Advocates practising in the National Tribunals.

Done at Montreux on the 8th May,
1937.

Fait à Montreux, le huit mai mil
neuf cent trente-sept.

MOUSTAPHA EL-NAHAS.

A. MAHER.

WACYF BOUTROS GHALI.

MAKRAM EBEID.

A. BADAOU.

5. *Extradition.*

Conformément à la pratique généralement adoptée en matière d'extradition, le Gouvernement royal égyptien a l'intention d'adopter en cette matière la procédure judiciaire. Les tribunaux mixtes auront donc à se prononcer sur la vérification de la régularité de la demande d'extradition, lorsqu'elle concernera un étranger justiciable de ces tribunaux.

6. *Clause attributive de Compétence*

Se référant à l'article 26 du Règlement d'organisation judiciaire, le Gouvernement royal égyptien n'a pas l'intention d'insérer dans les contrats du gouvernement (y compris les contrats des administrations publiques et des municipalités) de clause attributive de compétence juridictionnelle.

7. *Magistrats, Fonctionnaires et Barreau.*

Il n'entre pas dans les intentions du Gouvernement royal égyptien de modifier les conditions de service ou les traitements actuels des magistrats des tribunaux mixtes.

De même, le Gouvernement n'a pas l'intention de modifier les traitements actuels des fonctionnaires et employés desdits tribunaux. Il examinera avec bienveillance à l'occasion de l'établissement du nouveau cadre actuellement à l'étude la situation desdits fonctionnaires et employés au point de vue des classes et conditions d'augmentation ou de promotion.

Le cas de ceux de ces fonctionnaires et employés qui seraient licenciés à la fin de la période transitoire fera l'objet d'un examen particulier en tenant compte des circonstances propres à chaque cas. Si ces circonstances le justifient, certains avantages pourront être accordés au point de vue de la pension ou de l'indemnité.

Le Gouvernement a l'intention, quant aux pensions des magistrats, fonctionnaires et employés étrangers, d'éviter la double imposition.

En ce qui concerne, en outre, les avocats inscrits au barreau mixte, le Gouvernement se propose de prendre les mesures nécessaires pour leur permettre d'obtenir sans condition, à la fin de la période transitoire, leur inscription avec leur rang d'ancienneté au tableau de l'ordre des avocats près les tribunaux nationaux.

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CANADA

TREATY SERIES, 1938

No. 15

EXCHANGE OF NOTES

(October 28, and November 11 and 15, 1938)

PROLONGING

FOR SIX MONTHS THE COMMERCIAL
"MODUS VIVENDI" OF 1936

BETWEEN

CANADA

AND

URUGUAY

IN FORCE NOVEMBER 1, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939



Price, 25 cents

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**EXCHANGE OF NOTES (OCTOBER 28, AND NOVEMBER 11 AND 15,
1938) PROLONGING FOR SIX MONTHS THE COMMERCIAL
“MODUS VIVENDI” OF 1936 BETWEEN CANADA AND URUGUAY**

*The British Minister at Montevideo to the
Minister for Foreign Affairs of Uruguay*

BRITISH LEGATION

MONTVIDEO, 28th October, 1938.

No. 92

MONSIEUR LE MINISTRE,

On the receipt of your Excellency's Note of the 24th instant, regarding the possibility of bringing into force the Trade Agreement between Uruguay and Canada, I at once conveyed to the Department of External Affairs at Ottawa the suggestion contained therein that, pending Parliamentary approval of the Agreement, the Modus Vivendi between the two countries should be renewed for a further period of six months, dating from the 31st October.

I now have the honour to inform Your Excellency that I am desired by His Majesty's Government in Canada to state that they had hoped that the Canadian-Uruguayan Trade Agreement would be ratified by the Uruguayan Government during the six-months period which ends on the 31st October, but they understand that special circumstances have made it difficult to secure ratification by the Uruguayan Parliament during that time. Under these circumstances His Majesty's Government in Canada are prepared to renew the Modus Vivendi for a further period of six months, to commence from the 1st November, 1938, subject to earlier termination by the coming into force of the Trade Agreement concluded between the two countries. In taking this action His Majesty's Government in Canada express the sincere hope that before the expiration of the period mentioned, the ratification of the Trade Agreement will have been completed.

I avail, etc.

E. MILLINGTON-DRAKE

*The Minister for Foreign Affairs of Uruguay
to the British Minister at Montevideo*

(Translation)

MINISTRY OF FOREIGN AFFAIRS

MONTVIDEO, 11th November, 1938.

MONSIEUR LE MINISTRE,

I have the honour to refer to your Excellency's Note of the 28th October last, No. 92 relating to the renewal of the *modus vivendi* which governs commercial relations between Uruguay and Canada.

I have pleasure in informing you that this Government is agreeable to prolonging for six months the validity of this *modus vivendi*, to date from the 1st of the present month.

This reply and your Excellency's note referred to above will be regarded as a formal declaration of the agreement of the Government of the Republic and that of Canada in regard to the extension in question.

I am, etc.

A. GUANI

*The British Minister at Montevideo to the
Minister for Foreign Affairs of Uruguay*

BRITISH LEGATION

MONTVIDEO, 15th November 1938.

No. 103

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of your Excellency's Note of the 11th November in which, in reply to the Note from His Majesty's Minister of the 28th October last regarding the renewal of the *modus vivendi*, you state that the Government of the Republic are agreeable to a renewal of the terms of that instrument for a period of six months dating from the 1st instant, and at the same time request that the above-mentioned Note of Mr. Millington-Drake and Your Excellency's Note under reference may be regarded as a formal declaration of the agreement of the Uruguayan Government and of the Canadian Government to that renewal.

The contents of Your Excellency's Note were duly communicated by me to His Majesty's Government in Canada, and I have today received a telegram from the Department of External Affairs at Ottawa informing me that the Canadian Government agree to the request of the Government of the Republic that the exchange of Notes referred to herein be considered a formal declaration of the renewal of the *modus vivendi*.

I avail myself, etc.

N. C. W. STEWARD

Mr. Doe
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CANADA

TREATY SERIES, 1938

No. 16

TRADE AGREEMENT

BETWEEN

CANADA

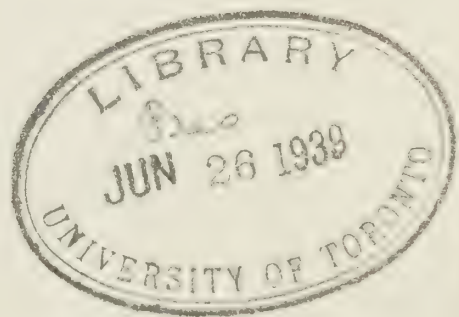
AND

HAYTI

Signed at Port-au-Prince, April 23, 1937

Ratifications exchanged at Port-au-Prince, December 8, 1938

IN FORCE DECEMBER 8, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

Price, 25 cents

TRADE AGREEMENT

BETWEEN

CANADA AND HAYTI

Signed at Port-au-Prince April 23rd, 1937

ACCORD COMMERCIAL

ENTRE

LE CANADA ET HAITI

Signé à Port-au-Prince, le 23 avril 1937



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1937

TRADE AGREEMENT BETWEEN CANADA AND HAYTI

SIGNED AT PORT-AU-PRINCE APRIL 23rd 1937.

The Government of Canada and the Government of the Republic of Hayti, desiring to facilitate the commercial relations existing between Canada and Hayti, have resolved to conclude a Trade Agreement and for this purpose have agreed upon the following Articles:

ARTICLE I

Canada and Hayti will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either of the countries shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of Canada or Hayti and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Hayti in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Hayti or Canada, respectively, and irrespective of the nationality of the carrier.

ARTICLE II

Neither Canada nor Hayti shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country in favour of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of quantitative restrictions being established by either Canada or Hayti for the importation of any article it is agreed that in the allocation of the quantity of restricted goods which may be authorized for importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a previous representative period prior to the establishment of such quantitative restrictions.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, Canada and Hayti agree to extend to each other every favour granted to a third country.

ACCORD COMMERCIAL ENTRE LE CANADA ET HAÏTI

SIGNÉ À PORT-AU-PRINCE, LE 23 AVRIL 1937.

Le Gouvernement du Canada et le Gouvernement de la République d'Haïti, animés du désir de faciliter les relations commerciales entre le Canada et Haïti, ont résolu de conclure un accord commercial, et, à cette fin, sont convenus des articles suivants:

ARTICLE PREMIER

Le Canada et Haïti se concèdent réciproquement le traitement de la nation la plus favorisée, sans conditions et sans réserves, par rapport à toutes les questions relatives aux droits de douane et taxes subsidiaires de toute sorte et au mode de perception des droits, et, en outre, à toutes les questions relatives aux règles, formalités et taxes imposées à propos du dédouanement des marchandises, et au sujet de toutes les lois ou de tous les règlements administratifs affectant la vente ou l'usage des marchandises importées dans leur territoire respectif.

En conséquence, les produits naturels ou fabriqués en provenance du territoire de l'un ou l'autre des Etats contractants ne seront, en aucun cas, assujettis, par rapport aux questions mentionnées plus haut, à aucun impôt, taxe ou redevance autre ou plus élevé, ni à aucune règle ou formalité autre ou plus onéreuse que ceux auxquels sont ou pourraient être assujettis les produits similaires en provenance de tout Etat tiers.

De même, les produits naturels ou fabriqués exportés du territoire du Canada ou d'Haïti à destination du territoire de l'autre Etat contractant ne seront, en aucun cas, assujettis, par rapport à l'exportation et au sujet des questions mentionnées plus haut, à aucun droit, taxe ou redevance autre ou plus élevé, ni à aucune règle ou formalité autre ou plus onéreuse que ceux auxquels sont ou pourraient être assujettis les produits similaires à destination du territoire de tout Etat tiers.

Tout avantage, faveur, privilège ou immunité qui a été ou pourrait être concédé par le Canada ou Haïti au sujet des questions ci-haut mentionnées, à un produit naturel ou fabriqué originaire de tout Etat tiers ou à destination du territoire de tout Etat tiers sera concédé immédiatement et sans compensation au produit similaire en provenance ou à destination du territoire d'Haïti ou du Canada, respectivement, et sans égard à la nationalité du voiturier.

ARTICLE II

Ni le Canada ni Haïti n'établiront une prohibition ni ne maintiendront une restriction aux importations du territoire de l'autre partie contractante qui n'est pas appliquée à l'importation de tout article similaire en provenance de tout Etat tiers. Toute abolition d'une prohibition ou d'une restriction à l'importation qui peut être concédée même temporairement par l'un ou l'autre Etat en faveur d'un article d'un Etat tiers s'appliquera immédiatement et inconditionnellement à l'article similaire en provenance du territoire de l'autre partie contractante. Ces stipulations s'appliquent avec une égale force aux exportations.

Au cas où il serait établi, soit par le Canada, soit par Haïti, des restrictions quantitatives à l'importation d'un article quelconque, il est entendu que dans l'allocation de la quantité des produits soumis à de telles restrictions et dont l'importation pourra être autorisée, il sera accordé à l'autre partie contractante une part égale à la proportion du commerce dont elle jouissait pendant une période normale antérieure à l'établissement de ces restrictions quantitatives.

Dans toutes les questions relatives aux règles, formalités ou redevances imposées à l'égard de toute forme de restriction quantitative à l'importation d'un article quelconque, le Canada et Haïti conviennent de s'accorder de part et d'autre tous les avantages impartis à un Etat tiers.

ARTICLE III

Articles the growth, produce or manufacture of Canada or Hayti shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to the granting of national treatment to native products shall not apply to the laws at present in force in Hayti relative to excise duty on cigarettes, nor to the laws now in force in Canada whereby leaf-tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Hayti of special excise taxes imposed by virtue of existing provisions of the Special War Revenue Act. In these respects, however, most-favoured-nation treatment shall apply.

ARTICLE IV

In the event that Canada or Hayti establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

ARTICLE V

If the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that, as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

ARTICLE VI

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

ARTICLE III

Les produits du sol ou de l'industrie du Canada ou d'Haïti seront, après leur importation dans l'autre Etat, exonérés de tous impôts, taxes, redevances ou exactions domestiques autres ou plus élevés que ceux qui sont applicables aux produits semblables de provenance indigène ou de toute autre provenance étrangère.

Les stipulations du présent article concernant la concession du traitement accordé aux produits indigènes n'auront aucun effet sur les lois actuellement en vigueur en Haïti, relatives aux droits d'accise sur les cigarettes, aussi bien que les lois actuellement en vigueur au Canada en vertu desquelles le tabac en feuilles, les spiritueux, la bière, le malt, et le sirop de malt importés de l'étranger sont soumis à des impôts spéciaux, ni sur l'applicabilité aux marchandises produites ou fabriquées en Haïti, de droits d'accise spéciaux imposés en vertu de dispositions existantes de la loi spéciale sur les revenus de guerre. A cet égard, cependant, le traitement de la nation la plus favorisée prévaudra.

ARTICLE IV

Au cas où le Canada ou Haïti établiraient ou maintiendraient un monopole pour l'importation, la production ou la vente d'une denrée déterminée, ou accorderaient à un ou plusieurs organismes des privilèges formellement exclusifs ou étant en pratique, quant à l'importation, la production ou la vente d'une denrée déterminée, le Gouvernement de l'Etat établissant ou maintenant pareil monopole ou octroyant pareils privilèges de monopole, s'engage à assurer au commerce de l'autre partie contractante un traitement juste et équitable en ce qui regarde les achats à l'étranger de pareil monopole ou de pareil organisme. A cette fin, il est convenu que, dans l'achat d'un produit quelconque à l'étranger, les seules considérations auxquelles obéira pareil monopole ou pareil organisme seront des considérations telles que le prix, la qualité, les qualités marchandes et les conditions de vente d'un article dont tiendrait compte d'ordinaire une entreprise commerciale privée dont l'unique intérêt serait l'achat de pareil produit aux conditions les plus avantageuses.

ARTICLE V

Si le Gouvernement de l'un ou de l'autre Etat établit ou maintient directement ou indirectement, quelque régime de contrôle du change étranger il devra exercer ce contrôle de telle façon que les ressortissants et le commerce de l'autre Etat aient une part juste et équitable dans la répartition du change.

Relativement au change rendu disponible pour les opérations commerciales, il est convenu que le Gouvernement de l'un ou de l'autre Etat observera dans l'administration de tout régime de contrôle du change étranger, la règle que, aussi exactement qu'il sera possible de le déterminer, la part accordée à l'autre Etat, sur le total du change disponible, ne sera pas inférieure à la somme utilisée au cours d'une période normale antérieure à l'établissement d'un régime de contrôle du change, pour le règlement des obligations commerciales de ses ressortissants.

Le Gouvernement de chaque Etat contractant devra accueillir avec bienveillance toutes les représentations que le Gouvernement de l'autre partie contractante pourra lui faire relativement à l'application des dispositions du présent Article.

ARTICLE VI

Au cas où le Gouvernement de l'un des deux Etats contractants adopterait une mesure qui, même si elle ne venait pas en conflit avec les dispositions du présent accord, semblerait avoir pour effet, de l'avis du Gouvernement de l'autre partie contractante, d'empêcher ou d'entraver la réalisation de l'une des fins du présent accord, le Gouvernement ayant adopté pareille mesure examinera les représentations et propositions que l'autre Gouvernement pourra formuler en vue d'arriver à une solution acceptable aux deux parties.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

ARTICLE VII

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favour of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the pure food and drug laws of either country; and (6) directed against unfair practices in import trade.

ARTICLE VIII

The advantages now accorded or which may hereafter be accorded by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate shall be excepted from the operation of this Agreement.

The advantages granted or to be granted by the Republic of Hayti to the Dominican Republic with a view to facilitating frontier traffic shall not be affected by the present Agreement.

ARTICLE IX

The present Agreement shall be ratified and shall enter into force immediately on the exchange of ratifications and shall remain in force for the term of one year thereafter.

Unless at least six months before the expiration of the aforesaid term of one year, the Government of either country shall have given to the other Government notice of intention to terminate the Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

In Witness Whereof, the undersigned, duly authorized to that effect, have signed the present Agreement and have affixed their seals hereto.

Done in duplicate, in English and in French, both authentic, at the City of Port-au-Prince, on the 23rd day of April 1937.

(L.S.) F. M. SHEPHERD

Le Gouvernement de chaque Etat contractant examinera avec bienveillance les représentations que l'autre Gouvernement pourra faire au sujet de l'application des règlements de douane, des contingentements ou de leur application, de l'observation des formalités douanières et de l'exécution des lois ou des règlements sanitaires concernant la protection de la vie de l'homme, des animaux ou des plantes, et quand on lui en fera la demande, il se prêtera à des négociations à ce sujet.

ARTICLE VII

Aucune stipulation du présent accord ne saurait empêcher l'adoption de mesures interdisant ou restreignant l'exportation ou l'importation d'or ou d'argent, ni l'adoption de telles mesures que l'un ou l'autre Gouvernement peut juger à propos d'adopter quant à la réglementation des exportations ou la vente pour l'exportation d'armements, de munitions ou d'engins de guerre, et dans des cas exceptionnels, de toutes autres fournitures militaires.

Subordonnément à la condition que ni l'un ni l'autre Etat contractant ne fera de distinction arbitraire au détriment de l'un ou l'autre Etat en faveur d'un Etat tiers où existent des conditions similaires, les dispositions du présent accord ne s'appliqueront pas à des prohibitions ou à des restrictions (1) imposées pour des motifs d'ordre moral ou humanitaire; (2) destinées à protéger la vie de l'homme, des animaux ou des plantes; (3) visant les articles fabriqués par des détenus; (4) se rapportant à l'application des lois pénales ou fiscales; (5) visant la répression des fausses marques, de la falsification et d'autres pratiques frauduleuses, prévues dans la loi sur les aliments et les médicaments de l'un ou l'autre Etat, et, (6) visant la répression des pratiques déloyales dans le commerce d'importation.

ARTICLE VIII

Le présent accord sera de nul effet sur les avantages qui sont présentement ou qui pourraient être accordés par le Canada exclusivement à d'autres territoires sur lesquels s'exerce la souveraineté de Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des mers, Empereur des Indes, ou placés sous la suzeraineté, la protection ou le mandat de Sa Majesté.

Les avantages actuellement accordés ou qui pourront l'être par la République d'Haïti à la République Dominicaine en vue de faciliter le trafic frontière, ne seront pas affectés par les effets de cet accord.

ARTICLE IX

Le présent accord sera ratifié et entrera en vigueur immédiatement après l'échange des ratifications; il restera en vigueur pendant un an à partir de ladite date.

Si, dans un délai minimum de six mois avant l'échéance de ladite période d'un an, le Gouvernement de l'un ou l'autre des Etats contractants n'a pas donné avis à l'autre Gouvernement de son intention de mettre fin à l'accord à l'expiration de la période susdite, celui-ci restera en vigueur par la suite jusqu'à six mois à partir de la date à laquelle le Gouvernement de l'un ou l'autre des Etats contractants aura signifié à l'autre son désir d'y mettre fin.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé le présent accord et y ont apposé leur cachet.

Fait en double exemplaire, en anglais et en français, les deux textes faisant foi, en la ville de Port-au-Prince, le 23 avril 1937.

(L.S.) G. N. LEGER

Gr. Doc.
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CANADA

TREATY SERIES, 1938

No. 17

INTER-AMERICAN ARRANGEMENT

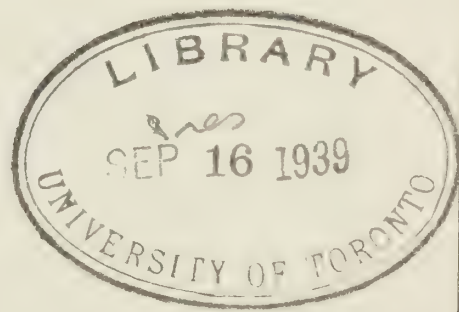
CONCERNING

RADIOCOMMUNICATIONS

Signed at Havana, December 13, 1937

Notification of Approval by Canada deposited on
December 22, 1938

IN FORCE DECEMBER 22, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939



INTER-AMERICAN ARRANGEMENT

concerning

RADIOCOMMUNICATIONS

Signed at Havana, Cuba, December 13, 1937

Notification of Approval by Canada deposited on
December 22, 1938

ARRANGEMENT INTERAMÉRICAIN

de

RADIOCOMMUNICATIONS

Signé à la Havane, Cuba, le 13 décembre 1937

Avis d'approbation du Canada déposé le
22 décembre 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

INTER-AMERICAN ARRANGEMENT CONCERNING RADIO COMMUNICATIONS

SECTION 1

Introduction

The delegates of the American Governments listed below, assembled in conference in Habana, Republic of Cuba, from November 1 to December 13, 1937, hereby make the following Administrative Arrangement, which shall become effective on July 1, 1938 in those countries where it shall have been approved by the respective Governments, which approval shall be communicated to the Department of State of the Government of Cuba.

COUNTRIES

Argentine Republic	Dominican Republic	Nicaragua
Brazil	United States of	Panama
Canada	America	Peru
Colombia	Guatemala	Uruguay
Cuba	Haiti	Venezuela
Chile	Mexico	

If any state desires to terminate this arrangement in whole or in part, it may do so by written notice to the Government of Cuba, giving the reasons therefor, one year prior to the date on which it desires to effect this termination. The Government of Cuba shall communicate such notification to the other States concerned.

SECTION 2

Tables of Allocation

TABLE I.—FREQUENCY ALLOCATION FOR VARIOUS SERVICES IN THE AMERICAN CONTINENT 10-550 KC/S.

10-100	Fixed.
100-110	(a) Fixed. (b) Mobile.
110-125	Mobile.
125-150	Maritime mobile (open to public correspondence exclusively).
150-160	Mobile.
160-200	(a) Fixed. (b) Mobile. (c) Aeronautical.
200-285	Aeronautical and mobile excepting commercial ship stations.
285-315	Radio beacon, Maritime priority.
315-320	Aeronautical.
320-325	(a) Aeronautical. (b) Mobile not open to public correspondence.
325-345	Aeronautical.
345-365	(a) Aeronautical. (b) Mobile not open to public correspondence.
365-385	(a) Radio direction finding. (b) Mobile, provided it does not interfere with the radio direction finding. Coast station using B waves excluded.
385-400	Mobile and aeronautical, Maritime priority, it being understood that the priority refers to existing services.
400-460	Mobile.
460-485	Mobile A-1 and A-2 only.
485-515	Mobile (distress, calling, etc.).
515-550	Services not open to public correspondence A-1 and A-2 only.

NOTE.—1. The band of frequencies between 200 and 400 Kc/s. is reserved in the Americas for aids to air navigation and for the transmission of weather and other safety information to aircraft in flight, subject only to existing priorities of marine services within this band.

2. When due to adverse atmospheric conditions or other technical reasons it is not possible to employ frequencies between 200 and 400 Kc/s, for the services above mentioned, other suitable frequencies may be utilized provided that all the countries of America are advised of the frequencies selected.

ARRANGEMENT INTERAMÉRICAIN DE RADIOCOMMUNICATIONS

SECTION 1

Introduction

Les délégués des Gouvernements américains ci-dessous mentionnés, réunis en Conférence à la Havane, République de Cuba, du 1er novembre au 13 décembre 1937, ont arrêté l'Arrangement administratif suivant, qui entrera en vigueur le 1er juillet 1938 pour les pays où il aurait obtenu l'approbation des Gouvernements respectifs, laquelle devra être communiquée au Ministère d'Affaires Etrangères de Cuba.

Pays

Argentine	Etats-Unis	Panama
Brésil	d'Amérique	Pérou
Canada	Guatemala	République
Colombie	Haïti	Dominicaine
Cuba	Mexique	Uruguay
Chili	Nicaragua	Venezuela.

Si un Etat désire mettre fin à cet arrangement, en tout ou en partie il pourra le faire au moyen d'une communication par écrit adressée au Gouvernement de Cuba, en en donnant les raisons un ou avant la date à laquelle il désire y mette fin. Le Gouvernement de Cuba devra communiquer cet avis aux autres Etats intéressés.

SECTION 2

Tableaux d'attribution

TABLEAU I.—ATTRIBUTION DE FRÉQUENCES POUR DIVERS SERVICES DANS LE CONTINENT AMÉRICAIN

10-550 Kc./s.

Fréquences.

kc/s.

10-100	Fixes.
100-110	(a) Fixes, (b) mobiles.
110-125	Mobiles.
125-150	Mobiles maritimes (réservés exclusivement à la correspondance publique).
150-160	Mobiles.
160-200	(a) Fixes, (b) Mobiles, (c) Aéronautiques.
200-285	Aéronautique et mobile, exception faite des postes commerciaux de navires.
285-315	Auront la priorité les radio-phares destinés aux services maritimes.
315-320	Aéronautiques.
320-325	(a) Aéronautiques, (b) Mobiles non ouverts à la correspondance publique.
325-345	Aéronautiques.
345-365	(a) Aéronautiques, (b) Mobiles non réservés à la correspondance publique.
365-385	(a) Radiogoniométrie, (b) Mobiles, à condition de ne pas embrouiller la radiogoniométrie. Sont exclues les stations côtières qui emploient les ondes (b).
385-400	Mobiles et aéronautiques. Auront la priorité les services maritimes, il est entendu que cette priorité concerne les services existants.
400-460	Mobiles.
460-485	Mobiles A-1 et A-2 seulement.
485-515	Mobiles (Déresse, appels, etc.).
515-550	Services non ouverts à la correspondance publique, A-1 et A-2 seulement.

NOTA.—1. La bande de fréquences comprises entre 200 et 400 kc/s. se réserveront en Amérique à l'aide de la navigation aérienne et à la transmission de rapports météorologiques et d'autres rapports pour la protection des aéronefs en vol, qui ne reconnaîtront dans cette bande que la priorité que peuvent avoir les services maritimes.

2. Quand, pour des raisons atmosphériques contraires ou à cause d'autres raisons techniques, on ne pourra pas employer les fréquences comprises entre 200 et 400 kc/s. dans les services déjà cités, on pourra recourir à des fréquences appropriées, en ayant soin de communiquer à tous les pays d'Amérique les fréquences choisies.

TABLE II.—ALLOCATION OF FREQUENCIES, 550-1600 Kc/s. 550-1600 Kc/s.
BROADCASTINGTABLE III.—GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES
1600-4000 Kc/s

Frequency Kc/s.	North American Zone	Central Zone	South American Zone
1600-1750.....	Fixed and Mobile (Primarily police).	Fixed and Mobile including Aviation.	Fixed and Mobile including Aviation.
1750-2050.....	Amateur.....	Amateur.....	Amateur.
2050-2100.....	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
2100-2200.....	Mobile (Primarily Ship Stations).	Mobile (Primarily Ship Stations).	Mobile (Primarily Ship Stations).
2200-2300.....	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
2300-2395.....	Mobile (Primarily police)..	Mobile (Primarily police). (1).	Mobile and Broadcasting.
2395-2400.....	General Experimental.....	General Experimental.....	Mobile and Broadcasting.
2400-2500.....	Mobile (Primarily police)..	Mobile (Primarily Police)..	Mobile and Broadcasting.
2500-2600.....	Mobile (Primarily Coast Stations).	Mobile (Primarily Coast Stations)	Mobile (Primarily Coast Stations).
2600-2735.....	Aeronautical and Mobile....	Aeronautical and Mobile....	Aeronautical and Mobile.
2735-2740.....	Mobile (Primarily Intership. Assignable frequency 2738 Kc/s).	Mobile (Primarily Intership. Assignable frequency 2738 Kc/s).	Mobile (Primarily Intership. Assignable frequency 2738 Kc/s).
2740-2850.....	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile..
2850-3000.....	Aeronautical and Mobile....	Aeronautical and Mobile....	Aeronautical and Mobile.
3000-3065.....	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
3065-3100.....	Aeronautical.....	Aeronautical.....	Aeronautical.
3100-3110.....	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s).	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s).	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s).
3110-3150.....	Mobile.....	Mobile.....	Mobile.
3150-3265.....	Fixed and Mobile (Primarily Aeronautical).	Fixed and Mobile (Primarily Aeronautical).	Fixed and Mobile (Primarily Aeronautical).
3265-3320.....	Fixed.....	Fixed.....	Fixed.
3320-3440.....	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
3440-3485.....	Fixed and Mobile (Primarily Aeronautical).	Fixed and Mobile (Primarily Aeronautical).	Fixed and Mobile (Primarily Aeronautical).
3485-3500.....	General Experimental.....	General Experimental.....	General Experimental.
3500-4000.....	Amateur.....	Amateur.....	Amateur.

NOTE.—(1) The countries in the central zone situated to the north of Colombia shall be permitted to set aside the frequency band of 2300 to 2350 Kc./s. for broadcasting service in each of these countries, pursuant to an agreement whereby they are to use not more than two frequencies per country within this band separated from one another with proper power and directional antennae limitations. The use of such frequencies by these countries must not cause interference to other services in the Northern and Southern zones using such frequencies at the present time.

TABEAU II.—ATTRIBUTION DES FRÉQUENCES ENTRE 550 ET 1600 Kc. À LA RADIO-DIFFUSION

550-1600 Kc/s. Radio-diffusion

TABEAU III.—ATTRIBUTION GÉNÉRALE DE FRÉQUENCES AUX DIVERS SERVICES

1600—4000 Kc/s.

Fréquences Kc/s	Zone de l'Amérique du Nord	Zone Centrale	Zone de l'Amérique du Sud
1600-1750.....	Fixes et Mobiles (Principalement pour la Police)	Fixes et Mobiles y compris l'aéronautique.	Fixes et Mobiles y compris l'aéronautique.
1750-2050.....	Amateurs.....	Amateurs.....	Amateurs.
2050-2100.....	Fixes Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
2100-2200.....	Mobiles (Surtout stations de navires).	Mobiles (Surtout stations de navires).	Mobiles (Surtout stations de navires).
2200-2300.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
2300-2395.....	Mobiles (Surtout pour la Police).	Mobiles (Surtout la Police) (1).	Mobiles et Radio-diffusion.
2395-2400.....	Ondes générales d'expériences.	Ondes générales d'expériences.	Mobiles et Radio-diffusion.
2400-2500.....	Mobiles (Surtout pour la police).	Mobiles (Surtout la police)..	Mobiles et Radio-diffusion.
2500-2600.....	Mobiles (Surtout stations côtières).	Mobiles (Surtout stations côtières).	Mobiles (Surtout stations côtières.)
2600-2735.....	Aéronautiques et Mobiles...	Aéronautiques et Mobiles...	Aéronautiques et Mobiles.
2735-2740.....	Mobiles (Surtout entre navires. Fréquence qui peut être attribuée: 2738 kc/s).	Mobiles (Surtout entre navires. Fréquence qui peut être attribuée: 2738 kc/s).	Mobiles (Surtout entre navires. Fréquence qui peut être attribuée: 2738 kc/s).
2740-2850.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.....
2850-3000.....	Aéronautiques et Mobiles...	Aéronautiques et Mobiles...	Aéronautiques et Mobiles.
3000-3065.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
3065-3100.....	Aéronautiques.....	Aéronautiques.....	Aéronautiques.
3100-3110.....	Mobiles (Surtout la fréquence d'appel des aéronefs 3105 Kc).	Mobiles (Surtout la fréquence d'appel des aéronefs 3105 Kc).	Mobiles (Surtout la fréquence d'appel des aéronefs 3105 Kc).
3110-3150.....	Mobiles.....	Mobiles.....	Mobiles.
3150-3265.....	Fixes et Mobiles (Surtout aéronautiques).	Fixes et Mobiles (Surtout aéronautiques).	Fixes et Mobiles (Surtout aéronautiques).
3265-3320.....	Fixes.....	Fixes.....	Fixes.
3320-3440.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
3440-3485.....	Fixes et Mobiles (Surtout aéronautiques).	Fixes et Mobiles (Surtout aéronautiques).	Fixes et Mobiles (Surtout aéronautiques).
3485-3500.....	Ondes générales d'expériences.	Ondes générales d'expériences.	Ondes générales d'expériences.
3500-4000.....	Amateurs.....	Amateurs.....	Amateurs.

NOTE.—(1) Il sera permis aux Pays de la Zone Centrale, situés au Nord de la Colombie, de réserver respectivement la bande de 2300 à 2350 kc/s, au service de radio-diffusion, d'accord avec une convention selon laquelle on ne pourra employer plus de deux fréquences par pays dans cette bande, fréquences séparées l'une de l'autre, avec une puissance appropriée et une antenne de direction. L'emploi de ces fréquences par ces pays ne devra causer aucune interférence aux autres services des Zones Nord et Sud, qui emploient actuellement, ces mêmes fréquences.

*TABLE IV.—GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES
4000-25000 Kc/s.

(See special note below)

Frequency Kc/s.	Service
4000- 5500	Fixed and Mobile (1).
5500- 5570	Maritime Mobile.
5570- 5700	Aeronautical.
5700- 5900	Fixed.
5900- 6000	Fixed (2).
6000- 6150	Broadcasting (3).
6150- 6675	Mobile (International air calling frequency 6210 Kc/s.).
6675- 7000	Fixed.
7000- 7300	Amateur.
7300- 8200	Fixed.
8200- 8550	Mobile.
8550- 8900	Fixed and Mobile.
8900- 9500	Fixed.
9500- 9600	Broadcasting (3).
9600- 9700	Fixed (2).
9700-11000	Fixed.
11000-11400	Mobile.
11400-11700	Fixed.
11700-11900	Broadcasting (3).
11900-12300	Fixed.
12300-12825	Mobile.
12825-13350	Fixed and Mobile.
13350-14000	Fixed.
14000-14400	Amateur.
14400-15100	Fixed.
15100-15350	Broadcasting (3).
15350-16400	Fixed.
16400-17100	Mobile.
17100-17750	Fixed and Mobile.
17750-17800	Broadcasting (3).
17800-21450	Fixed.
21450-21550	Broadcasting (3).
21550-22300	Mobile.
22300-24600	Fixed and Mobile.
24600-25000	Mobile.

* (Note of Department of External Affairs.) Modified by the Cairo, 1938, Agreements.

NOTES

(1) 4500-5200 Kc/s.

The high contracting parties each agree to make a special study of this band of frequencies with a view to solving the problem of national broadcasting in those countries within the central zone located to the south of Panama.

This study should be presented to the Cairo Conference for consideration and should be accompanied by pertinent recommendations based on the following considerations:

- (a) The use of directional antennas by broadcasting stations to avoid interference to services carried on in other regions.
- (b) Determination of the maximum night power for broadcasting stations within this band of frequencies.
- (c) The maximum total width of the broadcast band within the frequency range 4500-5200 Kc/s. should be not greater than 300 Kc/s.

(2) 5900-6000 and 9600-9700 Kc/s.

The proposals of Brazil to assign the frequency bands 5900 to 6000 Kc/s. and 9600 to 9700 Kc/s. to broadcasting shall be studied prior to the Cairo Conference in accordance with Note 3 below.

*TABLEAU IV.—ATTRIBUTION GÉNÉRALE DE FRÉQUENCES AUX DIFFÉRENTS SERVICES

(Voir la note spéciale ci-dessous)

4000—2500 Kc/s.

Fréquences Kc/s.	Services
4000- 5500	Fixes et Mobiles (1).
5500- 5570	Mobiles et Maritimes.
5570- 5700	Aéronautiques.
5700- 5900	Fixes.
5900- 6000	Fixes (2).
6000- 6150	Radio-diffusion (3).
6150- 6675	Mobiles. (Fréquences internationales d'appel des services aéronautiques 6210 Kc.).
6675- 7000	Fixes.
7000- 7300	Amateurs.
7300- 8200	Fixes.
8200- 8550	Mobiles.
8550- 8900	Fixes et Mobiles.
8900- 9500	Fixes.
9500- 9600	Radio-diffusion (3).
9600- 9700	Fixes (2).
9700-11000	Fixes.
11000-11400	Mobiles.
11400-11700	Fixes.
11700-11900	Radio-diffusion (3).
11900-12300	Fixes.
12300-12825	Mobiles.
12825-13350	Fixes et Mobiles.
13350-14000	Fixes.
14000-14400	Amateurs.
14400-15100	Fixes.
15100-15350	Radio-diffusion (3).
15350-16400	Fixes.
16400-17100	Mobiles.
17100-17750	Fixes et Mobiles.
17750-17800	Radio-diffusion (3).
17800-21450	Fixes.
21450-21550	Radio-diffusion (3).
21550-22300	Mobiles.
22300-24600	Fixes et Mobiles.
24600-25000	Mobiles.

* (Note du Ministère des Affaires extérieures). Modifié par la révision du Caire, 1938.

NOTES

(1) 4500-5200 Kc/s.

Les Hautes Parties contractantes s'engagent individuellement à faire une étude spéciale de ces bandes de fréquences en les considérant comme une des solutions possibles pour la radio-diffusion nationale dans les pays de la Zone Centrale situés au sud de Panama. Cette étude devrait être soumise à la considération de la Conférence du Caire, avec les recommandations appropriées basées sur les points suivants:

- (a) Usage d'antennes dirigées dans les stations de radio-diffusion afin d'éviter des interférences aux services d'autres régions.
- (b) Détermination de la puissance nocturne maximum pour les stations de radiodiffusion dans cette bande de fréquence.
- (c) L'amplitude totale de la bande de radio-diffusion entre 4500 et 5200 Kc. ne devra pas dépasser 300 Kc.

(2) 5900-6000 et 9600-9700 Kc/s.

La proposition présentée par le Brésil au sujet de l'assignation des bandes de fréquences de 5900 à 6000 Kc. et de 9600 à 9700 Kc. à la Radio-diffusion, sera étudiée avant l'inauguration de la Conférence du Caire, selon les principes exposés dans la suivante Nota (3) ci-dessous.

(3) 6000-25000 Kc/s.

In considering the needs of the broadcasting service in the frequency band 6000-25000 Kc/s. the Inter-American Radio Conference agrees to apply the following principles in the study of this problem and to make recommendations based thereon to the Cairo Radio Conference:

1. Strict adherence to the provisions of paragraph 19, Article 7, of the General Radio Regulations annexed to the Madrid Telecommunication Convention, 1932, which states as follows:

"It is recognized that the frequencies between 6000 and 30000 Kc/s. (50 and 10 m) are very efficient for long-distance communications. The administrations shall make the greatest possible effort to reserve the frequencies of this band for this purpose, except when their use for short-or-medium-distance communication is not likely to interfere with long-distance communications."

2. Broadcast channels shall be assigned primarily for international long-distance communications and secondarily for long-distance national services, particularly between points not served by wire lines. In every case the frequency should be optimum for the distance involved.

3. Stations operating within the present allocated broadcast bands, and in derogation thereof, for the purpose of rendering local service, should be moved to lower frequency standard broadcast bands below 6000 Kc/s.

4. It would be unwise to extend the present high frequency broadcast bands until positive assurance is given by all nations that there will be strict adherence to any table of allocation of frequencies to services that may be adopted at the Cairo radio conference. In this connection attention is invited to the fact that an examination of the records discloses that frequencies throughout the high frequency radio spectrum are being used by many broadcast, telephone and telegraph stations in derogation of the provisions of the Madrid Radio Regulations.

5. Following good engineering practice in rendering good broadcast service, it is agreed that:

- (a) Not less than 5 kw. power shall be used for international broadcast service.
- (b) Directional antennas shall be used wherever practicable to provide good service to specified countries or regions depending upon the time of day, the listening hours of the receiving public, the particular frequency in use, etcetera.
- (c) Bands shall be subdivided so as to give priority to different classes of broadcasting stations, depending upon the adequacy of power and quality of emissions from the standpoint of good engineering practice.

6. The shared use, on an engineering basis, of high frequency broadcast channels between countries throughout the world promises some relief in the present high frequency broadcast bands.

7. Existing services operating within the present authorized bands shall not be displaced therefrom unless suitable replacement frequencies are provided; therefore, it is important that the recommendations to Cairo contain specific recommendations on this subject.

8. In view of their dependence upon radio as a means for carrying on communication and for the protection of life and property, mobile services shall be given first consideration in any alteration of the present authorized bands.

9. Recommendations for additional broadcast frequencies which may be found necessary shall be based upon extensions of the present broadcast bands rather than upon the creation of any new bands.

SPECIAL NOTE.—The action taken at Cairo with respect to the recommendations to be submitted in compliance with notes (1) (2) and (3) shall automatically modify the allocation to services in Table IV above.

(3) 6000-25000 Kc.

Au moment de considérer les besoins du service de la Radio-diffusion dans la bande de fréquences de 6000 à 25000 Kc. la Conférence Interaméricaine de Radio-Communications a convenu d'appliquer les principes suivants à l'étude de ce problème et de présenter à la Conférence de Radio-communications du Caire des recommandations basées sur ces principes.

1. Accomplissement strict des dispositions du paragraphe 19 de l'article 7 du Règlement Général de Radio-communications, annexé à la Convention Internationale de Télécommunications, qui a eu lieu à Madrid en 1932, et qui est ainsi rédigée.

"Il est reconnu que les fréquences entre 6000 et 30000 Kc. (50 et 10 mètres) sont très efficaces pour les communications de longue distance. Les Administrations s'efforceront, autant qu'il leur sera possible, de réserver les fréquences de cette bande à ces communications, excepté quand leur emploi pour des communications à courtes distances, ou à distances moyennes, n'entraîne pas une cause d'interférences dans les communications à longue distance.

2. Les voies de Radio-diffusion seront assignées principalement aux communications internationales de longue distance, et ensuite aux services nationaux de longue distance, surtout entre les points qui n'ont pas de services par fil. En tous cas, la fréquence devra être la mieux adaptée à la distance en question.

3. Les postes qui fonctionnent dans les bandes de Radio-diffusion réservées actuellement, et en cas de leur dérogation pour pouvoir prêter un service local, devront être transportés à des bandes de Radio-diffusion de fréquences plus basses, inférieures à 6000 Kc.

4. Il ne serait pas prudent d'étendre les bandes de Radio-diffusion de hautes fréquences qui existent aujourd'hui, jusqu'à ce que l'on obtienne de tous les pays la promesse formelle de respecter strictement les tableaux d'assignation de fréquences qui s'adopteront à la Conférence du Caire. Sur ce sujet on attire l'attention sur le fait suivant, une étude de la documentation respective démontrerait que beaucoup de stations émetteuses, télégraphiques et téléphoniques emploient actuellement des fréquences comprises dans toute la gamme des hautes fréquences du spectre contrairement aux dispositions prévues par le Règlement Général de Radio-communications de Madrid.

5. Afin de prêter un service opportun à la Radio-diffusion, d'accord avec les principes de génie reconnus bons, on a convenu.

- (a) De ne pas employer une puissance inférieure à 5 Kw pour le service international de Radio-diffusion.
- (b) D'employer des antennes dirigées dans tous les cas où cela serait utile pour prêter un bon service à des pays ou à des régions déterminés, en raison de l'heure du jour, des heures que préfère le public pour la Radio-diffusion, de la fréquence qu'on emploie, etc.
- (c) Que les bandes comprendront des divisions intérieures pour que l'on puisse donner des priorités aux différentes sortes de postes Radio-diffuseurs, en raison d'une puissance appropriée et de la qualité des émissions, du point de vue des principes de génie reconnues.

6. L'usage en commun, des voies de Radio-diffusion à hautes fréquences, entre pays et continents du monde, offrira un sensible soulagement dans ces bandes de Radio-diffusion de hautes fréquences, si cet usage est basé sur des principes de génie.

7. Les services actuels qui fonctionnent dans les bandes de fréquences autorisées n'en seront pas éliminés, à moins que l'on ne fournisse des fréquences appropriées pour les remplacer; par conséquent il est très important de remettre à la Conférence du Caire des recommandations contenant des vœux spécifiques sur ce sujet.

8. Au moment de faire une modification quelconque dans les bandes autorisées actuellement, et en raison de leur dépendance avec la Radio comme moyen de communication et comme protection de la vie et de la propriété, on considérera très spécialement les services mobiles.

9. Les recommandations pour des fréquences additionnelles de radio-diffusion qui seraient jugées nécessaires seront basées sur des extensions des bandes actuelles, plutôt que sur la création de nouvelles bandes.

NOTE SPÉCIALE.—La décision prise au Caire au sujet des recommandations qui seront présentées conformément aux notes (1), (2) et (3) modifiera automatiquement l'attribution aux services du Tableau IV ci-dessus.

TABLE V.—GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES
25,000-30,000 Kc/s.

25,000-25,600	Broadcasting ¹
25,600-26,600	Broadcasting
26,600-27,000	Broadcasting ¹
27,000-28,000	(a) Fixed. (b) Mobile ¹
28,000-30,000	Amateur

¹ Available for this service under the provisions of Article 7, Paragraph 1, of the General Radio Regulations Annexed to the International Telecommunication Convention, Madrid, 1932, provided no interference is caused to the international service to which this band of frequencies is allocated under the Madrid Radio Regulations.

TABLE VI.—FREQUENCIES BETWEEN 30,000 and 300,000 KC/S.

(This table is accepted as a guide to planning, research, and the experimental use of frequencies)

Each country shall, when interference might develop between countries or when agreement is desirable between countries, notify the other American countries concerned of the contemplated location, power, frequency and type of service of any station or stations to be operated in the band of frequencies higher than 30 mc to the end that mutual agreement and development may be realized.

Frequency	North American Zone	Central Zone	South American Zone
30,000- 41,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
41,000- 44,000...	Broadcasting.....	Broadcasting.....	Broadcasting.
44,000- 56,000...	Television.....	Television.....	Television.
56,000- 60,000...	Amateur.....	Amateur.....	Amateur.
60,000- 66,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
66,000- 72,000...	Television.....	Television.....	Television.
72,000- 78,000...	Fixed and Mobile (Aviation Marker beacons).	Fixed and Mobile (Aviation Marker beacons).	Fixed and Mobile (Aviation Marker beacons).
78,000- 90,000...	Television.....	Television.....	Television.
90,000- 96,000...	Fixed and Mobile (including Aviation Blind Landing Systems).	Fixed and Mobile (Including Aviation Blind Landing Systems).	Fixed and Mobile (Including Aviation Blind Landing Systems).
96,000-108,000...	Television.....	Television.....	Television.
108,000-112,000...	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons).	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons).	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons).
112,000-118,000...	Amateur.....	Amateur.....	Amateur.
118,000-123,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
123,000-126,000...	Aeronautical Radio Range Beacons.	Aeronautical Radio Range Beacons.	Aeronautical Radio Range Beacons.
126,000-132,000...	Aeronautical (Airport Traffic Control).	Aeronautical (Airport Traffic Control).	Aeronautical (Airport Traffic Control).
132,000-156,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
156,000-168,000...	Broadcasting (Television)...	Broadcasting (Television)...	Broadcasting (Television)
168,000-180,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
180,000-192,000...	Broadcasting (Television)...	Broadcasting (Television)...	Broadcasting (Television).
192,000-204,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
204,000-216,000...	Broadcasting (Television)...	Broadcasting (Television)...	Broadcasting (Television).
216,000-224,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
224,000-230,000...	Amateur.....	Amateur.....	Amateur.
230,000-234,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
234,000-246,000...	Broadcasting (Television)...	Broadcasting (Television)...	Broadcasting (Television).
246,000-258,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile
258,000-270,000...	Broadcasting (Television)...	Broadcasting (Television)...	Broadcasting (Television).
270,000-282,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.
282,000-294,000...	Broadcasting (Television)...	Broadcasting (Television)...	Broadcasting (Television).
294,000-300,000...	Fixed and Mobile.....	Fixed and Mobile.....	Fixed and Mobile.

TABLEAU V

ATTRIBUTIONS GÉNÉRALES DE FRÉQUENCES AUX DIFFÉRENTS SERVICES

25000-30000 Kc.

25000-25600	Radio-diffusion (1).
25600-26600	Radio-diffusion.
26600-27000	Radio-diffusion (1).
27000-28000	(a) Fixes. (b) Mobiles.
28000-30000	Amateurs.

(1) Disponible pour ce service, d'après ce qui a été stipulé dans l'article 7, paragraphe 1, du Règlement général de Radio-communications, annexé à la Convention Internationale de Madrid de 1932, à condition de ne causer aucune interférence au service international, à qui a été assignée cette bande de fréquences d'accord avec le Règlement déjà mentionné.

TABLEAU VI—FRÉQUENCES ENTRE 30,000 ET 300,000

Chaque pays communiquera aux autres pays américains intéressés dans le cas où une interférence pourrait surgir entre des pays, ou un accord serait désiré par ceux-ci, la situation, la puissance, la fréquence, et la classe de service de n'importe quelle station ou stations que l'on a l'intention d'exploiter dans la bande de fréquences supérieure à 30 mégacycles pour que l'on puisse arriver à un accord mutuel et au développement désiré.

(Ce tableau est accepté pour tracer un plan de recherches et d'usage expérimental de fréquences.)

30,000—300,000 Kc.

Fréquences Kc/s.	Zone d'Amérique du Nord	Zone Centrale	Zone d'Amérique du Sud
30000- 41000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
41000- 44000.....	Radio-diffusion.....	Radio-diffusion.....	Radio-diffusion.
44000- 56000.....	Télévision.....	Télévision.....	Télévision.
56000- 60000.....	Amateurs.....	Amateurs.....	Amateurs.
60000- 66000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
66000- 72000.....	Télévision.....	Télévision.....	Télévision.
72000- 78000.....	Fixes et Mobiles (Radio- phares, Aéronautiques, In- dicateurs).	Fixes et Mobiles (Radio- phares, Aéronautiques, In- dicateurs).	Fixes et Mobiles (Radio- phares, Aéronautiques, In- dicateurs).
78000- 90000.....	Télévision.....	Télévision.....	Télévision.
90000- 96000.....	Fixes et Mobiles (Y compris les systèmes aéronautiques d'atterrissage à l'aveugle).	Fixes et Mobiles (Y compris les systèmes aéronautiques d'atterrissage à l'aveugle).	Fixes et Mobiles (Y compris les systèmes aéronautiques d'atterrissage à l'aveugle).
96000-108000.....	Télévision.....	Télévision.....	Télévision.
108000-112000.....	Fixes et Mobiles (Y compris les Radiophares, aéronau- tiques pour atterrissages à l'aveuglette, et pour loca- lisation).	Fixes et Mobiles (Y compris les Radiophares, aéronau- tiques pour atterrissages à l'aveuglette, et pour loca- lisation).	Fixes et Mobiles (Y compris les Radiophares, aéronau- tiques pour atterrissages à l'aveuglette, et pour loca- lisation).
112000-118000.....	Amateurs.....	Amateurs.....	Amateurs.
118000-123000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
123000-126000.....	Radiophares aéronautiques de balisage.	Radiophares aéronautiques de balisage.	Radiophares aéronautiques de balisage.
126000-132000.....	Aéronautiques. (Contrôle du trafic des aéroports).	Aéronautiques. (Contrôle du trafic des aéroports).	Aéronautiques. (Contrôle du trafic des aéroports).
132000-156000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
156000-168000.....	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)
168000-180000.....	Fixes et mobiles.....	Fixes et mobiles.....	Fixes et mobiles.
180000-192000.....	Radio-diffusion (Télévision).	Radio-diffusion (Télévision).	Radio-diffusion (Télévision).
192000-204000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
204000-216000.....	Radio-diffusion (Télévision).	Radio-diffusion (Télévision).	Radio-diffusion (Télévision).
216000-224000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
224000-230000.....	Amateurs.....	Amateurs.....	Amateurs.
230000-234000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
234000-246000.....	Radio-diffusion. (Télévision).	Radio-diffusion. (Télévision).	Radio-diffusion. (Télévision).
246000-258000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
258000-270000.....	Radio-diffusion. (Télévision).	Radio-diffusion. (Télévision).	Radio-diffusion. (Télévision).
270000-282000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.
282000-294000.....	Radio-diffusion. (Télévision).	Radio-diffusion. (Télévision).	Radio-diffusion. (Télévision).
294000-300000.....	Fixes et Mobiles.....	Fixes et Mobiles.....	Fixes et Mobiles.

SECTION 3

Assignable Frequencies based on Radiotelegraph Emissions

In general, in the frequency range 1600-4000 Kc/s. the frequencies assigned shall be integral multiples of 4 Kc/s. from 1600 to 3000 Kc/s. and integral multiples of 5 Kc/s. from 3000 to 4000 Kc/s. Communication channels wider than 4 Kc/s. or 5 Kc/s. may be assigned where the authorized band width of the emission requires the use of such wider channels. For example, two adjoining telegraph channels may be assigned for telephony, in which case the frequency assigned to a station should be the mid-frequency of such channels. The frequencies to be assigned to stations are given in the Table below. Departure from these assignments may be made in order to make more efficient use of the frequency space available.

The following Table indicates the assignments frequencies.

1600	1756	1912	2068	2224	2380
1604	1760	1916	2072	2228	2384
1608	1764	1920	2076	2232	2388
1612	1768	1924	2080	2236	2392
1616	1772	1928	2084	2240	2396
1620	1776	1932	2088	2244	2400
1624	1780	1936	2092	2248	2404
1628	1784	1940	2096	2252	2408
1632	1788	1944	2100	2256	2412
1636	1792	1948	2104	2260	2416
1640	1796	1952	2108	2264	2420
1644	1800	1956	2112	2268	2424
1648	1804	1960	2116	2272	2428
1652	1808	1964	2120	2276	2432
1656	1812	1968	2124	2280	2436
1660	1816	1972	2128	2284	2440
1664	1820	1976	2132	2288	2444
1668	1824	1980	2136	2292	2448
1672	1828	1984	2140	2296	2452
1676	1832	1988	2144	2300	2456
1680	1836	1992	2148	2304	2460
1684	1840	1996	2152	2308	2464
1688	1844	2000	2156	2312	2468
1692	1848	2004	2160	2316	2472
1696	1852	2008	2164	2320	2476
1700	1856	2012	2168	2324	2480
1704	1860	2016	2172	2328	2484
1708	1864	2020	2176	2332	2488
1712	1868	2024	2180	2336	2492
1716	1872	2028	2184	2340	2496
1720	1876	2032	2188	2344	2500
1724	1880	2036	2192	2348	2504
1728	1884	2040	2196	2352	2508
1732	1888	2044	2200	2356	2512
1736	1892	2048	2204	2360	2516
1740	1896	2052	2208	2364	2520
1744	1900	2056	2212	2368	2524
1748	1904	2060	2216	2372	2528
1752	1908	2064	2220	2376	2532

SECTION 3

Fréquences assignables basées sur les émissions radiotélégraphiques

En général, l'assignation de fréquences, dans la bande de 1600 à 3000 kilocycles, se fera par multiples intégraux de 4 kilocycles, et dans la bande de 3000 à 4000, par multiples de 5 kc. intégraux.

Les voies de communication d'une largeur de plus de 4 kc/s. ou de plus de 5 kc/s pourront être assignées quand la largeur de bande autorisée de la transmission soit telle qu'il soit besoin d'un usage de ces voies plus larges. Par exemple: deux canaux télégraphiques adjacents pourront être destinés à un usage téléphonique dans ce cas la fréquence assignée à un poste devra être la fréquence moyenne de ces voies. Dans le tableau suivant apparaissent les fréquences qui devront être assignées aux postes. On pourra modifier ces valeurs dans les cas où ce soit en bénéfice de la séparation qui existe entre les fréquences.

Les fréquences assignables sont les suivantes:

1600	1756	1912	2068	2224	2380
1604	1760	1916	2072	2228	2384
1608	1764	1920	2076	2232	2388
1612	1768	1924	2080	2236	2392
1916	1772	1928	2084	2240	2396
1620	1776	1932	2088	2244	2400
1624	1780	1936	2092	2248	2404
1628	1784	1940	2096	2252	2408
1632	1788	1944	2100	2256	2412
1636	1792	1948	2104	2260	2416
1640	1796	1952	2108	2264	2420
1644	1800	1956	2112	2268	2424
1648	1804	1960	2116	2272	2428
1652	1808	1964	2120	2276	2432
1656	1812	1968	2124	2280	2436
1660	1816	1972	2128	2284	2440
1664	1820	1976	2132	2288	2444
1668	1824	1980	2136	2292	2448
1672	1828	1984	2140	2296	2452
1676	1832	1988	2144	2300	2456
1680	1836	1992	2148	2304	2460
1684	1840	1996	2152	2308	2464
1688	1844	2000	2156	2312	2468
1692	1848	2004	2160	2316	2472
1696	1852	2008	2164	2320	2476
1700	1856	2012	2168	2324	2480
1704	1860	2016	2172	2328	2484
1708	1864	2020	2176	2332	2488
1712	1868	2024	2180	2336	2492
1716	1872	2028	2184	2340	2496
1720	1876	2032	2188	2344	2500
1724	1880	2036	2192	2348	2504
1728	1884	2040	2196	2352	2508
1732	1888	2044	2200	2356	2512
1736	1892	2048	2204	2360	2516
1740	1896	2052	2208	2364	2520
1744	1900	2056	2212	2368	2524
1748	1904	2060	2216	2372	2528
1752	1908	2064	2220	2376	2532

2536	2684	2832	2976	3150	3330
2540	2688	2836	2980	3155	3335
2544	2692	2840	2984	3160	3340
2548	2696	2844	2988	3165	3345
2552	2700	2848	2992	3170	3350
2556	2704	2852	2996	3175	3355
2560	2708	2856	3000	3180	3360
2564	2712	2860	3005	3185	3365
2568	2716	2864	3010	3190	3370
2572	2720	2868	3015	3195	3375
2576	2724	2872	3020	3200	3380
2580	2728	2876	3025	3205	3385
2584	2732	2880	3030	3210	3390
2588	2736	2884	3035	3215	3395
2592	2740	2888	3040	3220	3400
2596	2744	2892	3045	3225	3405
2600	2748	2896	3050	3230	3410
2604	2752	2900	3055	3235	3415
2608	2756	2904	3060	3240	3420
2612	2760	2908	3065	3245	3425
2616	2764	2912	3070	3250	3430
2620	2768	2916	3075	3255	3435
2624	2772	2920	3080	3260	3440
2628	2776	2924	3085	3265	3445
2632	2780	2928	3090	3270	3450
2636	2784	2932	3095	3275	3455
2640	2788	2936	3100	3280	3460
2644	2792	2940	3105	3285	3465
2648	2796	2944	3110	3290	3470
2652	2800	2948	3115	3295	3475
2656	2804	2952	3120	3300	3480
2660	2808	2956	3125	3305	3485
2664	2812	2960	3130	3310	3490
2668	2816	2964	3135	3315	3495
2672	2820	2968	3140	3320	3500
2676	2824	2972	3145	3325	to
2680	2828				4000
					Amateur

2536	2684	2832	2976	3150	3330
2540	2688	2836	2980	3155	3335
2544	2692	2840	2984	3160	3340
2548	2696	2844	2988	3165	3345
2552	2700	2848	2992	3170	3350
2556	2704	2852	2996	3175	3355
2560	2708	2856	3000	3180	3360
2564	2712	2860	3005	3185	3365
2568	2716	2864	3010	3190	3370
2572	2720	2868	3015	3195	3375
2576	2724	2872	3020	3200	3380
2580	2728	2876	3025	3205	3385
2584	2732	2880	3030	3210	3390
2588	2736	2884	3035	3215	3395
2592	2740	2888	3040	3220	3400
2596	2744	2892	3045	3225	3405
2600	2748	2896	3050	3230	3410
2604	2752	2900	3055	3235	3415
2608	2756	2904	3060	3240	3420
2612	2760	2908	3065	3245	3425
2616	2764	2912	3070	3250	3430
2620	2768	2916	3075	3255	3435
2624	2772	2920	3080	3260	3440
2628	2776	2924	3085	3265	3445
2632	2780	2928	3090	3270	3450
2636	2784	2932	3095	3275	3455
2640	2788	2936	3100	3280	3460
2644	2792	2940	3105	3285	3465
2648	2796	2944	3110	3290	3470
2652	2800	2948	3115	3295	3475
2656	2804	2952	3120	3300	3480
2660	2808	2956	3125	3305	3485
2664	2812	2960	3130	3310	3490
2668	2816	2964	3135	3315	3495
2672	2820	2968	3140	3320	3500
2676	2824	2972	3145	3325	à
2680	2828				4000
					Amateurs

SECTION 4

Tolerances and Spurious Emissions

I.—TABLE OF FREQUENCY TOLERANCES AND OF INSTABILITIES

The Inter-American Radio Conference,

Considering:

- (a) that technical progress since the preparation of the Table given in Appendix I of the Madrid General Radio Regulations permits an appreciable reduction of the figures therein given for tolerances and instabilities;
- (b) that, although the tolerances and instabilities applicable according to the Madrid General Regulations should continue to be applied for present transmitters, transmitters constructed after the date given in the Table below should be held to more severe requirements;
- (c) that it is desirable to have supplementary data for the tolerances and instabilities that can be applied in current practice, particularly on frequencies higher than 23000 Kc/s., which may become the subject of international regulations;

Agrees to accept:

(1) that technical progress in the matter of frequency stabilization is such that all stations may keep themselves within the limits of tolerance and instabilities specified in the Table below and assist in reducing interference caused by frequency variations;

(2) that the Table below should be substituted for that given in Appendix 1 of the Madrid General Regulations;

(3) that the question of improving tolerance and stability conditions should be kept on the Agenda and extended to higher frequencies than those appearing in the following table within the limits of regulations to be adopted by the Cairo Conference:

REVISED TABLE OF FREQUENCY TOLERANCE AND INSTABILITIES

(1) frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the real transmission frequency.

(2) this separation results from the combination of three errors:

- (a) error of the radio frequency meter or of the frequency indicator used;
- (b) error made during the adjustment of the transmitter;
- (c) slow variations of the transmitter frequency.

(3) in frequency tolerance no account is taken of modulation.

(4) frequency instability is the maximum permissible separation resulting only from the error contemplated in (c) above.

SECTION 4

Tolérance et émissions parasites

I

TABLEAU DE TOLÉRANCE ET D'INSTABILITÉS

La Conférence Interaméricaine de Radio-Communications,

Considérant:

- (a) Que le progrès de la technique depuis la rédaction du Tableau inclus dans l'Appendice I du Règlement Général de Radio-Communication de Madrid, permet une réduction sensible, des chiffres concernant les tolérances et les instabilités qui y apparaissent.
- (b) Que même dans le cas où il serait opportun de continuer l'application des tolérances et des instabilités que fixe le Règlement Général de Madrid pour les émetteurs actuellement en usage, on devrait imposer des conditions plus sévères aux émetteurs construits après la date indiquée dans le tableau ci-dessous;
- (c) Qu'il serait bon d'obtenir des renseignements supplémentaires sur les tolérances et sur les instabilités qui peuvent s'appliquer actuellement dans la pratique aux fréquences supérieures à 23.000 Kilocycles, qui pourraient être l'objet d'une réglementation internationale.

Décide:

1. Que le progrès de la technique en matière de stabilisation de fréquences est parvenu à un tel point, que tous les postes peuvent se maintenir dans les limites de tolérances et d'instabilités spécifiées dans le tableau ci-dessous annexé, et aussi coopérer dans la réduction d'interférences produites par la fluctuation des fréquences.

2. Que ce tableau devrait remplacer celui qui apparaît dans l'Appendice I du Règlement Général de Madrid.

3. Que la question de l'amélioration des conditions de tolérances et d'instabilité, devrait se maintenir dans l'Agenda et s'élargir jusqu'à comprendre des fréquences plus hautes que celles qui apparaissent dans le tableau suivant, d'accord avec la réglementation qui s'adoptera à la Conférence du Caire;

TABLEAU REVISÉ DE TOLÉRANCE, DE FRÉQUENCES ET D'INSTABILITÉS

1. La tolérance de fréquences est le maximum de séparation admissible entre la fréquence assignée à un poste et la fréquence réelle d'émission.

2. Cette séparation est produite par la combinaison des trois erreurs ci-dessous:

- (a) L'erreur du Radio-Fréquencemètre ou de l'indicateur de fréquence employé.
- (b) L'erreur faite en accordant le poste émetteur.
- (c) Variations lentes de la fréquence de l'émetteur.

3. Dans la tolérance de fréquences, on ne tient pas compte de la modulation.

4. L'instabilité de fréquences est le maximum de séparation admissible, qui n'est causée que par l'erreur signalée dans le paragraphe (c) antérieur.

*TABLE OF FREQUENCY TOLERANCES AND INSTABILITIES

Frequency bands	Tolerances		Instabilities	
	Transmitters now in service and until January 1, 1942, after which they shall comply with tolerances in columns 2 and 4 respectively	New transmitters installed from January 1, 1939	Transmitters now in service and until January 1, 1942, after which they shall comply with tolerances in columns 2 and 4, respectively	New transmitters installed from January 1, 1939
A. From 10 to 550 Kc.—				
(a) Fixed stations.....	0.1%	0.05%		
(b) Land stations.....	0.1%	0.1%		
(c) Mobile Stations using indicated frequencies (1).....	0.5%	0.1%		
(d) Mobile stations using any frequency within the band.....	.....	.....	0.5%	0.1%
(e) Broadcasting.....	50 cycles	20 cycles		
B. From 550 to 1600 Kc/s.—				
(a) Broadcasting stations.....	50 cycles	20 cycles		
C. From 1600 to 6000 Kc/s.—				
(a) Fixed stations.....	0.03%	0.01%		
(b) Land stations.....	0.04%	0.02%		
(c) Mobile stations using indicated frequencies				
I 1500 to 3500 kc/s.....	0.1%	0.1%		
II 3500 to 6000 kc/s.....	0.1%	0.05%		
(d) Mobile stations using any frequency within the band				
1 1500 to 3500 kc/s.....	.....	.....	0.1%	0.07%
II 3500 to 6000 kc/s.....	.....	.....	0.1%	0.05%
D. From 6000 to 30000 Kc/s.—				
(a) Fixed stations.....	0.02%	0.01%		
(b) Land stations.....	0.04%	0.02%		
(c) Mobile stations using indicated frequency.....	0.1%	0.05%		
(d) Mobile stations using any frequency within the band.....	.....	.....	0.05%	0.02%
(e) Broadcasting stations.....	0.01%	0.005%		

* (Note of Department of External Affairs). Modified by the Cairo, 1938, Agreements.

(1) It is recognized that there is in this service a great number of spark transmitters and simple auto-oscillator transmitters which cannot meet this requirement.

NOTES—1. The administrations will endeavour to take advantage of the progress of the art in order gradually to reduce the frequency tolerances and limits of instabilities.

2. It is understood that ship stations operating within shared bands must conform to the tolerances applicable to land stations and should comply with article 7, Paragraph 117, of the Madrid General Radio Regulations.

3. The aforementioned material was approved in accordance with Bucharest, C.C.I.R. Opinion No. 93 with modifications under headings in columns 1 and 3.

*TABLEAU DE TOLÉRANCE DE FRÉQUENCES ET D'INSTABILITÉ

Bande de fréquences	Tolérances		Instabilités	
	Emetteurs actuellement en service jusqu'au 1er janvier 1942; après cette date ils devront s'ajuster aux tolérances indiquées respectivement dans les colonnes 2 et 4	Nouveaux émetteurs installés après le 1er janvier 1939	Emetteurs actuellement en service jusqu'au 1er janvier 1942; après cette date ils devront s'ajuster aux tolérances indiquées respectivement dans les colonnes 2 et 4	Nouveaux émetteurs installés après le 1er janvier 1939
A. De 10 à 550 Kc. (30·000 à 545m.)				
(a) Postes fixes.....	0·1%	0·05%		
(b) Postes terrestres.....	0·1%	0·1%		
(c) Postes mobiles qui emploient les fréquences indiquées (1).....	0·5%	0·1%		
(d) Postes mobiles qui emploient une fréquence quelconque dans les bandes.....			0·5%	0·1%
(e) Radio-diffusion.....	50 périodes	20 périodes		
B. De 550 à 1,600 Kc. (545 à 200 m.)				
(a) Postes de radio-diffusion.....	50 périodes	20 périodes		
C. De 1,600 à 6,000 Kc. (200 à 50 m.)				
(a) Postes fixes.....	0·03%	0·01%		
(b) Postes terrestres.....	0·04%	0·02%		
(c) Postes mobiles qui emploient les fréquences indiquées.				
I 1,500 à 3,500 Kc/s.....	0·1%	0·1%		
II 3,500 à 6,000 Kc/s.....	0·1%	0·05%		
(d) Postes mobiles qui emploient une fréquence quelconque dans la bande:				
I 1,500 à 3,500 Kc/s.....			0·1%	0·07%
II 3,500 à 6.000 Kc/s.....			0·1%	0·05%
D.—De 6000 à 30000 (50 à 10m.)				
(a) Postes fixes.....	0·02%	0·01%		
(b) Postes terrestres.....	0·04%	0·02%		
(c) Postes mobiles qui emploient les fréquences indiquées.....	0·1%	0·05%		
(d) Postes mobiles qui emploient une fréquence quelconque dans la bande.....			0·05%	0·02%
(e) Postes de Radio-diffusion.....	0·01%	0·005%		

* (Note du Ministère des Affaires extérieures). Modifié par la révision du Caire, 1938.

(1) On reconnaît le fait qu'il y a dans ce service un grand nombre d'émetteurs à étincelles et à émetteurs simples auto-oscillateurs qui ne peuvent pas s'ajuster à cette condition.

NOTES.—1. Les Administrations s'efforceront de profiter des progrès de la technique, pour réduire progressivement les tolérances des fréquences et les limites d'instabilité.

2. Il est entendu que les postes des bateaux qui opèrent dans des bandes communes, devront se conformer aux tolérances applicables aux postes terrestres, et devront aussi, respecter les dispositions de l'article 7, paragraphe 117, du règlement général de Radio-Communications de Madrid.

3. Le document ci-dessus exposé, a été approuvé d'accord avec l'avis N° 93 adoptée par la C.C.I.R. de Bucarest, avec les modifications des en-têtes des colonnes 1 et 3.

II.—PREVENTION OF SPURIOUS RADIATION

The participating Governments agree to require stations under their jurisdiction to use transmitters which are as free as practicable from all spurious emissions.

These radiations should not be of sufficient intensity to cause interference on receiving sets of modern design which are tuned outside the frequency band of emission required for the type of emission employed. In the case of type A-3 emission, (radiotelephony), the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur and in the case of amplitude modulation the operation percentage of modulation should not be less than 75 per cent on peaks of frequent recurrence. Adequate means should be employed to insure that the transmitter is not modulated in excess of its modulation capability.

A spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any harmonic modulation products, key clicks, parasitic oscillations or other transient effects.

SECTION 5

Non Use of 333 Kc/s. as Air Calling Frequency

Referring to Article 7, Paragraph II of the Madrid Radiocommunications the frequency 333 Kc/s. is not to be used as an international Air Calling frequency in the American Continent, except in special cases in connection with transatlantic flights.

SECTION 6

Use of 500 Kc/s.

Referring to Article 19, Section I, Paragraph 6-a of the Madrid Radio Regulations, the entire American Continent, except for Hudson Bay and Regions North thereof, shall be considered a region of heavy traffic within the meaning of said Article, therefore, except for Hudson Bay and Regions North thereof, traffic on 500 Kc/s. shall be limited to the transmission of distress traffic, urgent and safety messages, signals and single short radio telegrams.

SECTION 7

*** Definitions**

DEFINITION OF TERMS

The definitions of terms which appear as numbers (1) to (42) inclusive of Section XII of Resolution No. 6 of the Final Act of the March, 1937 Conference of Habana, are approved with the reservation that any changes which may result from the International Radio Conference of Cairo, 1938, with respect to the wording of those definitions shall automatically supersede the present wording.

(1) *Telecommunication*

Any telegraph or telephone communication of signs, signals, writing, images and sounds of any nature, by wire, radio, or other systems or processes of electrical or visual (semaphore) signalling.

* (Note of Department of External Affairs) Modified by the Cairo, 1938, Agreements.

II.—SUPPRESSION D'ÉMISSIONS PARASITES

Les Gouvernements participants sont d'accord pour exiger que les stations soumises à leur juridiction emploient des émetteurs qui soient, autant que possible, libres de toutes sortes d'émissions parasites. Ces rayonnements ne devront pas atteindre une intensité telle qu'elle soit cause d'interférences à l'égard d'appareils récepteurs de construction moderne, qui sont accordés hors de la bande de fréquence de l'émission nécessaire au type employé. Dans le cas de l'émission du type A-3 (radio-téléphonie) le transmetteur ne devra pas être modulé excessivement par rapport à sa capacité de modulation, à un point tel que cela soit cause d'une production de rayonnements parasites susceptibles d'interférences et en ce qui concerne la modulation d'amplitude, le pourcentage de modulation dans les crêtes fréquentes ne devra pas être inférieur à 75 p. 100. On devra prendre les précautions nécessaires pour que le transmetteur ne soit pas modulé en excès par rapport à sa capacité de modulation.

On appelle rayonnement parasite, tout rayonnement d'un transmetteur qui se trouve hors de la bande de fréquence normale d'émission pour le type de transmission employé, en y comprenant toutes les productions d'harmoniques de modulations, claquements de manipulateurs, oscillations parasites ou autres effets transitoires.

SECTION 5

Ne pas employer 333 kc/s. comme fréquence d'appel aéronautique

En relation avec l'Article 7, paragraphe 11, du Règlement de Madrid, la fréquence de 333 Kc. ne devra pas s'employer comme fréquence internationale, d'appel dans le Service aéronautique dans le Continent américain, excepté dans des cas spéciaux, en rapport avec des vols transatlantiques.

SECTION 6

Trafic sur 500 Kc.

En relation avec l'article 19, Section 1, paragraphe 6-*a* du Règlement des Radiocommunications de Madrid, tout (le continent américain) en exceptant la Baie d'Hudson et les régions qui sont au nord, sera considéré comme région d'intense trafic, d'accord avec la définition dudit article.—Par conséquent, en exceptant la Baie d'Hudson et les régions situées au Nord de cette Baie, le trafic dans les 500 Kc/.s devra se limiter à la transmission, d'appels de détresse, de messages urgents et de sécurité, et de radiotélégrammes courts et isolés.—

SECTION 7

*** Définitions**

DÉFINITION DES TERMES

Les définitions des termes numérotés du n° 1 au numéro 42 y compris, de la Section XII, Résolution n° 6 de l'acte Final de la Conférence qui a eu lieu à la Havane au mois de mars 1937, sont approuvées avec la réserve suivante tout changement provenant de la Conférence Internationale du Caire 1938, au sujet du vocabulaire de ces définitions devra remplacer automatiquement la présente rédaction.

(1) Télécommunication

Toute communication télégraphique ou téléphonique de signaux signes, écrits, images sons de toutes sortes, par des conducteurs par radio, ou autres systèmes ou procédés pour transmettre des signaux, qu'ils soient électriques ou optiques. (sémaphores)

* (Note du Ministère des Affaires extérieures). Modifié par la revision du Caire, 1938.

(2) *Radiocommunication*

Any telecommunication by means of Hertzian waves.

(3) *Radiotelegram*

Telegram originating in or destined to a mobile station, transmitted on all or part of its route over the radio channels of the mobile service.

(4) *Public Correspondence*

Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(5) *Private Operating*

Any individual, company or corporation, other than a government institution or agency, which is recognized by the government concerned and which operates telecommunication installations for the purpose of exchanging public correspondence.

(6) *Administration*

A government administration.

(7) *International Service*

A telecommunication service between offices or stations under the jurisdiction of different countries, or between stations of the mobile service, except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national telecommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as international service from the standpoint of interference.

(8) *Limited Service*

A service which can be used only by specified persons or for special purposes.

(9) *Mobile Service*

A radio communication service carried on between mobile and land stations and by mobile stations communicating among themselves, special services being excluded.

(10) *Fixed Station*

A station not capable of being moved, and communicating by radio with one or more stations similarly established.

(11) *Land Station*

A station not capable of being moved, carrying on a mobile service.

(12) *Coast Station*

A land station carrying on a service with ship stations. This may be a fixed station used also for communication with ship stations; in this case, it shall be considered as a coast station only for the duration of its service with ship stations.

(13) *Aeronautical Station*

A land station carrying on a service with aircraft stations. This may be a fixed station also for communication with aircraft stations; in this case, it shall be considered as an aeronautical station only for the duration of its service with aircraft stations.

(14) *Mobile Station*

A station capable of being moved and which ordinarily does move.

(2) Radiocommunication

Toute télécommunication au moyen d'ondes hertziennes.

(3) Radiotélégramme

Télégramme provenant ou destiné à une station mobile, transmis sur tout son parcours, ou sur une de ses parties, par les voies de radiocommunications du service mobile.

(4) Correspondance publique

Toute télécommunication que les bureaux et les stations doivent accepter pour être transmise, puisqu'ils ont été mis à la disposition du public.

(5) Exploitation privée

Tout particulier, compagnie ou compagnie privée, qui ne soit pas une Institution ou une agence gouvernementale, reconnue par le Gouvernement intéressé, et qui exploite des installations de télécommunications destinées à un échange de correspondance publique.

(6) Administration

Une Administration Gouvernementale.

(7) Service international

Un service de télécommunication entre bureaux ou stations de pays différents ou entre stations du service mobile, en exceptant le cas où celles-ci ont la même nationalité et se trouvent dans les limites du pays auquel elles appartiennent. Un service de télécommunication intérieur ou national susceptible de causer des interférences à d'autres services au-delà des limites du pays, dans lequel il opère, sera comme service international du point de vue de l'interférence.

(8) Service restreint

Un service qui ne peut s'employer que par des personnes définies ou pour des fins spéciales.

(9) Service mobile

Un service de radio-communications établi entre des stations mobiles et des stations terrestres, et par des stations mobiles communiquant entre elles non compris les services spéciaux.

(10) Station fixe

Station qui ne peut être transportée et qui communique au moyen de la radio-communication avec une ou plusieurs stations établies de la même manière.

(11) Station terrestre

Une station qui ne peut être déplacée et qui effectue un service mobile.

(12) Station côtière

Station terrestre qui effectue un service avec des stations de navire. Ce peut être une station fixe qui effectue aussi des communications avec les postes des navires; dans ce cas, on ne la considérera station côtière que pendant le temps que dure son service avec les postes de navire.

(13) Station aéronautique

Station terrestre qui fait son service en relation avec les stations d'aéronefs. — Elle peut être aussi une station fixe qui établit également des communications avec les stations d'aéronefs. Dans ce cas on ne la considérera comme station aéronautique que pendant son temps de service avec les postes d'avions.

(14) Station mobile

Une station susceptible de déplacement, et qui se déplace habituellement.

(15) *On Board Station*

A station on board either of a ship which is not permanently moored, or an aircraft.

(16) *Ship Station*

A station on board a ship which is not permanently moored.

(17) *Aircraft Station*

A station on board any aerial vehicle.

(18) *Radiobeacon Station*

A special station the emissions of which are intended to enable an on-board station to determine its bearing or a direction with reference to the radiobeacon station, and in some cases also the distance which separates it from the latter.

(19) *Radiodirection-Finding Station*

A station equipped with special apparatus for determining the direction of the emissions of other stations.

(20) *Telephone Broadcasting Station*

A station carrying on a telephone broadcasting service.

(21) *Television Broadcasting Station*

A station licensed for the transmission of transient visual images of moving or fixed objects, for simultaneous reception and reproduction.

(22) *Amateur Station*

A station used by an amateur, that is, by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(23) *Private Experimental Station*

A private station for experiments looking to the development of radio technique or science.

(24) *Private Radio Station*

A private station, not open to public correspondence, which is authorized solely to exchange with other private radio stations communications concerning the private business of the licence holder or holders.

(25) *Frequency assigned to a Station*

The frequency assigned to a station is the frequency occupying the centre of the frequency band in which the station is authorized to work. In general this frequency is that of the carrier wave.

(26) *Frequency Band of an Emission*

The frequency band of an emission is the frequency band actually occupied by the emission for the type of transmission and for the signalling speed used.

(27) *Frequency Tolerance*

The frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the actual frequency of emission.

(15) Station de bord

Station installée à bord, soit d'un navire qui n'est pas ancré en permanence, soit d'un avion.

(16) Station de navire

Station à bord d'un navire qui n'est pas ancré en permanence.

(17) Station d'aéronef

Station installée à bord de n'importe quel véhicule aérien.

(18) Station de radiophare

Station spéciale dont les émissions sont destinées à permettre à une station de bord de déterminer sa position ou une direction en relation avec le poste de radiophare, et en certains cas, la distance qui la sépare de celui-ci.

(19) Station radiogoniométrique

Station possédant des appareils spéciaux pour déterminer la direction des émissions des autres stations.

(20) Station de radiodiffusion téléphonique

Station qui fait un service de radio-diffusion téléphonique.

(21) Station de radio-diffusion de télévision

Station autorisée à transmettre des images optiques représentant des objets fixes ou mobiles destinés à être reçues et reproduites simultanément par le public en général.

(22) Station d'amateur

Station employée par un amateur, c'est-à-dire par une personne dûment autorisée, intéressée à la technique radio-électrique, dans un but uniquement personnel, et sans intérêt pécuniaire.

(23) Station d'expérimentation privée

Station privée pour expériences destinées au développement de la technique ou de la science radio-électrique.

(24) Station privée de radio-communications

Station privée qui n'accepte pas la correspondance publique et qui n'est autorisée que pour échanger avec d'autres "stations privées" des communications concernant les propres affaires de celui ou de ceux qui en sont les bénéficiaires.

(25) Fréquence assignée à une station

La fréquence assignée à une station est la fréquence qui occupe le centre de la bande de fréquence dans laquelle la station est autorisée à travailler. En général cette fréquence est celle de l'onde porteuse.

(26) Bande de fréquences d'une émission

La bande de fréquences d'une émission est la bande de fréquences réellement occupée par cette émission, pour le type de la transmission et pour la vitesse des signaux employés.

(27) Tolérance de fréquence

La tolérance de fréquence est le maximum de déviation admissible entre la fréquence assignée à un poste et la fréquence réelle de l'émission.

(28) *Power of a Radio Transmitter*

The power of a radio transmitter is the power supplied to the antenna.

In the case of a modulated-wave transmitter, the power in the antenna shall be represented by two numbers, one indicating the power of the carrier supplied to the antenna and the other the actual maximum rate of modulation used.

(29) *Aeronautical Service*

A radio service carried on between aircraft stations and land stations, and by aircraft stations communicating among themselves. This term shall also apply to fixed and special radio services intended to insure the safety of aerial navigation.

(30) *Fixed Service*

A service carrying on radio communication of any kind between fixed points excluding broadcasting services and special services.

(31) *Special Service*

A telecommunication service carried on especially for the needs of a specific service of general interest and not open to public correspondence, such as: a service of radiobeacons, radio direction-finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices, medical consultations, standard frequencies, emissions for scientific purposes, etc.

(32) *Telephone Broadcasting Service*

A service carrying on the broadcasting of radiotelephone emissions primarily intended to be received by the general public.

(33) *Visual Broadcasting Service*

A service carrying on the broadcasting of visual images, either fixed or moving, intended to be received by the general public primarily.

(34) *Amateur Service*

A radio service carried on between amateur stations.

(35) *Air Mobile Service*

A radio service carried on between aircraft carriers and by aircraft stations communicating among themselves.

(36) *General Experimental Service*

A radio service carried on by experimental stations engaged in research or development in the radio art.

(37) *Police Service*

The radio service carried on by provincial, state, or municipal police authorities for emergency services principally with mobile police units.

(38) *Channels*

The term "channels" means the portion of the radio spectrum of a width sufficient to permit of its use by a radio station for communication purposes; it comprises the following three elements, all defined below:

- (1) the "frequency band of emissions."
- (2) twice the specified "frequency tolerance."
- (3) the "interference guard bands," if required.

(28) *Puissance d'un émetteur radio-électrique*

La puissance d'un émetteur radio-électrique est la puissance fournie à l'antenne.—Dans le cas d'un émetteur d'onde modulée, la puissance de l'antenne se caractérisera par deux chiffres, indiquant, l'un la valeur de la puissance de l'onde porteuse fournie à l'antenne,—l'autre le pourcentage maximum réel de la modulation employée.

(29) *Service aéronautique*

Un service de radio-communications effectué entre des stations d'aéronefs et des stations terrestres, ou entre des stations d'aéronefs. Ce terme s'applique également aux services fixes et spéciaux de radio destinés à garantir la sûreté de la navigation aérienne.

(30) *Service fixe*

Un service qui établit des communications radio-électriques de n'importe quelle sorte entre des points fixes, non compris les services de radio-diffusion et les services spéciaux.

(31) *Service spécial*

Un service de télé-communications destiné spécialement aux besoins d'un service déterminé, d'intérêt général, et n'acceptant pas de correspondance publique par exemple: un service de radio-phare, un service de radiogoniométrie, de signaux horaires, de bulletins météorologiques réguliers pour prévenir les navigateurs, de messages de presse adressés à tous, d'avertissements médicaux, de consultations de médecins, de fréquences étalons, d'émissions faites dans un but scientifique, etc.—

(32) *Service de radio-diffusion téléphonique*

Un service destiné à la diffusion d'émissions radio-téléphoniques, destinées à être reçues par le public en général.

(33) *Service de radio-diffusion optique*

Un service destiné à la diffusion d'images optiques, fixes ou mobiles, essentiellement destinées au public en général.

(34) *Service d'amateurs*

Service de Radio-Communications effectué entre des stations d'amateurs.

(35) *Service mobile aérien*

Service de radio-communications effectué entre des porte-avions ou porteurs d'aéronefs, ou entre des porte-aéronefs.

(36) *Service général d'expérimentation*

Service de radio-communications effectué par des stations d'expérimentations destinées à des recherches ou au progrès de la Radio-Communication.

(37) *Service de police*

Service de radio-communication effectué par des autorités policières, d'un Etat, d'une Province ou d'une Municipalité, en cas d'urgence, surtout quand il s'agit d'unités mobiles de police.

(38) *Le terme "voie"*

Se rapporte à une partie du spectre de radio-communication suffisamment large pour permettre son emploi par un poste de radio-communication pour effectuer les communications. Il comprend les trois éléments ci-dessous:

- (1) la "bande de fréquence d'émission."
- (2) Le double de la "tolérance de fréquence spécifiée."
- (3) Les "bandes de protection d'interférences" s'il en est besoin.

(39) *Frequency Band of Emission*

The term frequency band of emission, means that the frequency band of an emission is the frequency band actually occupied by this emission for the type of transmission and for the signalling speed used.

(40) *Interference Guard Bands*

The term "interference guard bands" means the frequency bands additional to the frequency band of emission and frequency tolerance, which may be allowed in order that there shall be no interference between stations having adjacent frequency assignments. In general this provision is dependent upon receiver selectivity and transmitter characteristics.

(41) *Primarily*

The term "primarily" used in connection with certain bands in the allocation table of this agreement means that as duly authorized installations of the primary services are undertaken, they will have preference on the available channels in that particular band.

The assignment of channels to other services in the general allocation for each of these bands will be carried out in such a manner as to prevent undue interference with existing stations of the primary service.

(42) *Facsimile Broadcast Station*

A station licensed to transmit images of still objects for record reception by the general public.

SECTION 8

Amateurs

The following provisions concerning amateurs were unanimously agreed upon in addition to the allocation tables:

1. That the band from 1750 to 2050 kc. be allocated for A-1 and A-3 emissions.

2. That, after a study of the recommendations issued by the Radio Conference at Buenos Aires (revised at Rio de Janeiro, 1937) (e) and (f) of Recommendation number 10, they have agreed to amend them, without altering the spirit thereof, substituting in their stead, the following:

(e) That the Administrations should point out the convenience that amateurs use the bands from 1750 to 2050 and 3500 to 4000 Kc/s. preferably for short distance communication.

(f) That the Administrations recommend that the bands from 7000 to 7300 Kc/s and 14000 to 14400 Kc/s should not be used for short distance communications between amateur stations.

3. That frequencies included between 3500 to 4000, 7000 to 7300 and 14000 to 14400 be available for allocation in accordance with the following table:

3500 to	3800 Kc/s. for A-1 only.
3800 to	4000 Kc/s. for A-1 and A-3.
7000 to	7050 Kc/s. for A-1 only.
7050 to	7150 Kc/s. for A-1 and A-3 (A-3 for Latin America only).
7150 to	7300 Kc/s. for A-1 only.
14000 to	14100 Kc/s. for A-1 only.
14100 to	14300 Kc/s. for A-1 and A-3.
14300 to	14400 Kc/s. for A-1 only.

Emission type A-1 may be used in the entire frequency band comprised between 14000 and 14400 Kc/s. The Latin-American countries, Canada and

(39) *L'Expression "bandes de fréquences d'émission"*

Veut dire que la bande de fréquence d'émission est la bande réellement occupée par cette émission pour le type de transmission et vitesse des signaux employés.

(40) *L'Expression "bandes de protection d'interférence"*

Se rapporte aux bandes de fréquence additionnelles à la bande de fréquence d'émission et de tolérance de fréquence, qui peuvent être permises pour qu'il n'y ait pas d'interférence entre des stations qui ont des assignations de fréquences adjacentes. En général cette disposition dépend de la sélectivité du receptr et des caractéristiques du transmetteur.

(41) *Le terme "principalement"*

Quand il s'emploie en relation avec certaines bandes de la table d'assignation de cet arrangement, il veut dire qu'à mesure que des installations dûment autorisées des services principaux sont entreprises, elles auront la préférence sur les voies disponibles de cette bande.

Dans chacune de ces bandes, l'assignation de voies pour d'autres services différents de ceux de l'assignation générale, se fera de telle sorte qu'on évitera l'interférence inadmissible avec les postes existants dans le service principal.

(42) *Stations de radio-diffusion de facsimilé*

Une station autorisée à transmettre des images d'objets fixes pour la transcription de la réception par le public en général.

SECTION 8

Amateurs

On a pris par unanimité les dispositions suivantes, en annexe aux tableaux des assignations, en ce qui concerne les amateurs,

1. Que la bande 1750 à 2050 Kc/s. soit assignée aux émissions A-1 et A-3.

2. Qu'après une étude des recommandations de la Conférence de Radio-communication de Buenos Ayres, révision de Rio de Janeiro de 1937, e et f, de la recommandation n° 10, on a décidé leur modification, sans en altérer le sens, et on les a remplacées par la rédaction suivante:

(e) Que les Administrations indiqueront la convenance d'utiliser les bandes de 1750 à 2050 Kc/s. et de 3500 à 4000 Kc/s. pour des services d'amateurs, de préférence pour des communications de courtes distances.

(f) Que les Administrations recommanderont de ne pas employer les bandes de 7000 à 7300 Kc/s. et de 14000 à 14400 Kc/s. pour des communications de postes d'amateurs à courte distance.

3. Les fréquences comprises entre 3500 et 4000 Kc/s., 7000 à 7300 Kc/s. et 14000 à 14400 Kc/s., s'emploieront en conformité avec le Tableau suivant:

3500 à 3800 Kc/s.	pour	A-1	seulement
3800 à 4000	"	A-1 et A-3	
7000 à 7050	"	A-1	
7050 à 7150	"	A-1 et A-3	(A-3 seulement pour l'Amérique latine)
7150 à 7300	"	A-1	seulement
14000 à 14100	"	A-1	
14100 à 14300	"	A-1 et A-3	
14300 à 14400	"	A-1	seulement.

On pourra employer l'émission du Type A-1 dans toute la bande de fréquences comprise entre 14000 et 14400 Kc/s. — Les pays de l'Amérique latine,

Newfoundland may use type A-3 in the frequencies comprised between 14100 and 14300 Kc/s. The United States will operate with emission type A-3 on frequencies 14150 to 14250 Kc/s., at least until December 31, 1939.

4. The bands from

1750 to 2050 Kc/s.

3500 to 4000 Kc/s.

7000 to 7300 Kc/s.

14000 to 14400 Kc/s.

28000 to 30000 Kc/s.

56000 to 60000 Kc/s.

shall be amateur bands.

5. In order to make a better use of the 14 megacycle band in so far as radiotelephone communication is concerned, and to avoid at the same time any undue congestion which may be caused by the operation of beginners not familiar with the use of high frequencies, it is recommended that an adequate probationary period in which to acquire the necessary experience, as well as a technical and practical test, be required before an amateur will be granted a licence to operate on the 14 megacycle band for radiotelephony.

6. The amateurs bands lately assigned shall not be used for any type of broadcasting fixed or mobile service.

SECTION 9

Amateur Third Party Messages

Whereas the General Radio Regulations annexed to the International Telecommunication Convention of Madrid provide that unless modified by special arrangements between interested countries amateur stations are forbidden to transmit international communications emanating from third persons; and

Whereas it is apparent that the community of interest of the peoples of all the Americas would be fostered by encouraging the exchange, by amateur stations, without charge, of friendly messages emanating from our citizens,

Be it resolved, by the Inter-American Radio Conference, that:

In the interest of close and friendly contacts between the peoples of the Americas, the administrations of the contracting countries whose internal legislation permits it agree that amateur radio stations in their respective countries and possessions may internationally exchange messages emanating from third parties; provided, however, that such messages shall be of a character that would not normally be sent by any other existing means of electrical communication and on which no compensation may be directly or indirectly paid.

SECTION 10

International Police Radio

1. Realizing the advantage to be gained by co-ordinating international police communications, all countries parties to this agreement are encouraged to authorize police radio-telegraph stations in close proximity to the boundaries of contiguous countries for the transmission of emergency information regarding law enforcement matters. In general, only important police messages are to be handled, such as that which would lose its value due to slowness and time limitations of other communication methods.

Canada et Terre-Neuve, pourront employer une émission du Type A-3 dans les fréquences comprises entre 14100 et 14300 Kc/s. — Les Etats-Unis d'Amérique emploieront des émissions du Type A-3 entre 14150 et 14250 Kc/s., au moins jusqu'au 31 décembre 1939.

4. Les bandes de

1750 à 2050 Kc/s.	14000 à 14400 Kc/s.
3500 à 4000 “	28000 à 30000 “ et
7000 à 7300 “	56000 à 60000 “

seront réservées aux amateurs.

5. Afin de faire un meilleur usage de la bande de 14 mégacycles en ce qui concerne la radio-téléphonie, et pour éviter une congestion induite, causée par la présence de débutants non familiarisés à l'usage des hautes fréquences, on fait la suggestion suivante: qu'il soit exigé un temps suffisamment long d'épreuve pour acquérir l'expérience nécessaire, et aussi un examen technique et pratique avant de donner la permission à un amateur d'employer la bande de 14 mégacycles pour la radio-téléphonie.

6. Les bandes d'amateurs attribuées récemment ne seront employées par aucun type de service de radio-diffusion, de service fixe, onde service mobile.

SECTION 9

Messages à des tiers émis par des amateurs

Considérant que le Règlement général de Radio-communications annexé à la Convention internationale de Radio-communications de Madrid, dispose qu'il est défendu aux stations d'amateurs d'émettre des messages internationaux qui sont fournis par des tiers, sauf dans les cas où ceci a été modifié par des accords spéciaux entre les pays intéressés; et

Considérant qu'il est évident que l'on encouragerait la communauté d'intérêts entre les peuples de toutes les Amériques, en stimulant l'échange, par des stations d'amateurs et sans aucune rétribution, des messages amicaux qui émanent de nos citoyens;

La Conférence Interaméricaine de Radio-communications a convenu:

Que dans le but de stimuler les relations étroites et amicales entre les peuples des Amériques, les Administrations des pays contractants dont les législations intérieures le permettent, conviennent que les stations d'amateurs de leurs pays respectifs et de leurs possessions pourront établir un échange international de messages provenant de tiers, dans les cas où ces messages soient tels qu'ils ne puissent être transmis par aucun moyen existant de communication électrique, et que pour cette transmission il ne soit payé, directement ou indirectement aucune rétribution.

SECTION 10

Service International de Radio-communications pour la Police.

1. En considérant les avantages qu'on peut obtenir de la coordination des communications de police internationale, on recommande à tous les pays signataires de cette convention d'autoriser des stations radio-télégraphiques de police situées le plus près possible de leurs frontières avec les pays limitrophes pour la transmission d'informations d'urgence concernant l'observation des lois. En général il ne s'agira que de messages importants de police qui perdraient leur valeur à cause de la lenteur et des limitations de temps des autres méthodes de communications.

2. Stations engaged in international police communication service shall normally use the facilities provided for national police service; provided (a) that police frequencies used primarily for radiotelephone communication with mobile police units shall not be used for radiotelegraph communication, (b) that stations of different countries in close proximity to the boundary between countries may be authorized by their administrations to exchange point to point radiotelephone communication, and (c) that initially the following frequencies be used for both national and international police radiotelegraph communication:

2804 Kc/s. calling.	5195 Kc/s. day only calling.
2808 Kc/s. working.	5135 Kc/s. day only working.
2812 Kc/s. working.	5140 Kc/s. day only working.

3. Notifications concerning the particulars of stations engaged in international police service shall be forwarded to the Bureau of the International Telecommunication Union, Berne, Switzerland, in order that all stations desiring to inter-communicate may be kept informed of the details concerning individual operation.

4. In order to insure uniformity in the handling of messages, the following operating procedure shall be followed:

- (a) This service shall, in general, conform with the provisions of Article 16 of the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932.
- (b) Full use shall be made of the list of abbreviations appearing in Appendix 9 to the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932. Plain language shall not be used if an abbreviation will suffice. Service indications are as follows: P—Priority, for messages which are to be sent immediately regardless of the number of other messages on file. No service indication, messages that are to be transmitted in the order of receipt.
- (c) The message shall contain the preamble, text, and signature, as follows:
 - (1) *Preamble*: The preamble of the message shall consist of the following: The serial number preceded by the letters NR; service indications as appropriate; check (this is the group count according to standard cable count system, the letters "CK" followed by numerals indicating the number of words contained in the text of the message); office and country of origin (not abbreviated); day of month and month; hour of filing; address.
 - (2) *Text*: The text may be in either plain language or code.
 - (3) *Signature*: The signature shall include the name and title of the person originating the message.

2. Les stations destinées au service de communications internationales de police, emploieront normalement les facilités prévues pour le service national de police; dans tous les cas cependant: (a) les fréquences de police employées principalement pour la communication radio-téléphonique avec des unités de police mobile ne seront pas employées pour des communications radio-télégraphiques; (b) les stations de divers pays au voisinage des frontières entre pays pourront être autorisées par leurs administrations à échanger entre points fixes des communications radio-téléphoniques, et (c) les fréquences suivantes seront d'abord employées pour la communication radio-télégraphique de la police nationale de même que pour l'internationale:

2804 Kc/s. onde d'appel.	5195 Kc/s. onde d'appel (pendant le jour seulement).
2808 Kc/s. onde de travail.	5135 Kc/s. onde de travail (pendant le jour seulement).
2812 Kc/s. onde de travail.	5140 Kc/s. onde de travail pendant le jour seulement).

3. Les notifications concernant les renseignements de stations destinées au service de police internationale, se remettront au Bureau de l'Union Internationale de Télé-communications à Berne, Suisse, pour que toutes les stations qui désirent communiquer entre elles puissent être renseignées sur les détails concernant le fonctionnement individuel.

4. Afin d'assurer l'uniformité du maniement des messages, on suivra la procédure suivante:

- (a) Ce service, se règlera en général sur les dispositions de l'article XVI du Règlement Général de Radio-communications, annexé à la Convention Internationale de Télé-communications de Madrid, 1932.
- (b) On fera un usage complet de la liste des abréviations qui apparaît dans l'appendice 9 du Règlement Général de Radio-communications annexé à la Convention Internationale de Télé-communications de Madrid, 1932. On n'emploiera pas le langage courant si une abréviation est suffisante. Les indications de service sont les suivantes: P.—Priorité, pour messages qui doivent être transmis immédiatement sans tenir compte du numéro des autres messages déposés. Les messages qui ne contiennent aucune indication de service seront transmis dans l'ordre où ils ont été reçus.
- (c) Les messages dans lesquels seront un préambule, un texte et une signature de la manière suivante:
 - (1) *Préambule*: Le préambule du message sera: Un numéro d'ordre précédé des lettres NR; des indications appropriées de service; check (ceci est le compte des mots d'accord avec le système de compte standard du câble) les lettres CK suivies des chiffres qui indiquent le nombre des paroles contenues dans le texte du message; le bureau et le pays d'origine (sans abrégé); jour du mois et mois; heure de la déposition; adresse.
 - (2) *Texte*: Le texte pourra être établi en langage clair ou chiffré.
 - (3) *Signature*: La signature contiendra le nom et le titre de la personne qui a remis le message.

SECTION 11

Radio Aids to Air Navigation—Standards of Field Strength and Interference Ratios

1. Whereas the Inter-American Radio Conference has carefully considered the various resolutions of the September 1937 Inter-American Technical Aviation Conference of Lima, and in particular resolutions XIV, XVII and XVIII which were referred to this Conference and

2. Considering

- (a) the great importance of radio aids to air navigation, the phenomenal growth of air traffic and the further expansion which will certainly take place in the future;
- (b) the exacting requirements of such radio aids to air navigation with respect to stability of emissions as affected by multiple path transmission which can be minimized to the greatest extent by selection of frequencies least subject to sky wave effects;
- (c) the extremely limited range of frequencies which possesses the necessary propagation characteristics as mentioned in (b) above;
- (d) the absolute dependence of aircraft in flight upon radio for navigational guidance and communication;
- (e) the vast number of aircraft throughout the world that now use, and must continue to share the limited number of frequencies suitable for aids to air navigation, therefore making the strictest economy of use necessary in order that all may be accommodated with a minimum of interference;
- (f) the standardization which therefore seems desirable in order to facilitate international flying by co-ordination, and, as far as possible, standardization of equipment and operating procedure;
- (g) that it is possible for a single ground station such for instance as the radio range beacon to simultaneously give navigational guidance to a practically unlimited number of aircraft;
- (h) the grave responsibility of radio aids to air navigation for rendering reliable service to aircraft which, under certain circumstances, may be entirely dependent for their safety upon uninterrupted reception of satisfactory navigational signal; and
- (i) the short period of time that has been available for engineering study since the September 1937 Inter-American Technical Aviation Conference at Lima;

3. The Inter-American Radio Conference resolves:

- (a) That in accordance with the recommendations of the Lima Convention the countries participating in this conference should prepare and exchange not later than June 1, 1938, all pertinent data which may be of value in the drafting of the following tables which may serve as a guide in connection with the application of the engineering principles herein set forth.

Table I listing various types of radio aids to air navigation which have been approved for service operation;

SECTION 11

Aide de la radio-communication à la navigation aérienne. Standards de l'intensité de champ et proportions d'interférence

1. La Conférence Interaméricaine de Radio-communications ayant considéré soigneusement les diverses résolutions de la Conférence Technique Interaméricaine d'Aviation réunie à Lima au mois de septembre 1937, et spécialement les résolutions XIV, XVII et XVIII, résolutions qui lui furent remises; et

2. Considérant:

- (a) la grande importance de l'aide prêtée au trafic aérien par la Radio-communication le développement extraordinaire du trafic aérien et l'expansion beaucoup plus grande que celui-ci aura certainement dans l'avenir;
- (b) la précision qu'exigent les services Radio-électriques d'aide à la navigation aérienne concernant la stabilité des émissions qui sont gênées par la transmission en trajectoires multiples, laquelle peut être réduite au minimum en choisissant des fréquences qui subissent l'influence des ondes réfléchies avec moins d'effet;
- (c) la grande limitation de la gamme des fréquences qui possèdent les caractéristiques de propagation nécessaires, mentionnées dans la considération antérieure b);
- (d) que les aéronefs en vol dépendent absolument des stations de Radio en ce qui concerne la navigation et les communications.
- (e) le grand nombre d'aéronefs de toutes les parties du monde qui actuellement emploient et doivent continuer à employer en commun le nombre limité de fréquences appropriées à l'aide de la navigation aérienne; ce qui oblige à observer une économie très stricte dans leur usage, pour qu'on puisse desservir tous les aéronefs avec un minimum d'interférence;
- (f) la normalisation, qu'il serait bon d'établir, pour faciliter d'après les considérations ci-dessus, la navigation aérienne internationale, en co-ordonnant, et autant que possible en rendant uniforme l'appareillage et la procédure d'exploitation.
- (g) qu'un seul poste terrestre, un radio-phare d'orientation par exemple, peut prêter simultanément aide à un nombre presque illimité d'aéronefs en vol.
- (h) la grande responsabilité des services radio-électriques, destinés à l'aide de la navigation aérienne, de desservir convenablement les aéronefs dont la sécurité en certaines circonstances dépend entièrement de la continuité de la réception des signaux de navigation;
- (i) le délai très bref qui a été donné pour faire des études techniques à partir de la clôture de la Conférence Technique Interaméricaine d'Aviation de Lima, du mois de septembre 1937.

3. La Conférence Interaméricaine de Radio-Communications a convenu:

- (a) Que, d'accord avec les recommandations de la Conférence de Lima, les pays représentés à cette Conférence, prépareront et échangeront entre eux, au plus tard le 1er juin 1938, tous les renseignements susceptibles d'être utilisés pour la rédaction des tableaux suivants, qui serviront de guides en ce qui concerne l'application des principes techniques mentionnés ci-dessous:

1. *Tableau I*, qui contiendra une liste des divers types de services radio-électriques d'aide à la navigation aérienne qui ont été approuvés pour être appliqués.

Table II establishing minimum signal intensities required for satisfactory reception of the various types of radio aids to air navigation, such data to be used as a basis for determination of normal service areas;

Table III establishing permissible values of interfering signal strength for the various types of radio aids to air navigation expressed in ratios of desired to undesired signal at the minimum service signal contour (a) on the same frequency (b) 3 kc/s. removed in frequency, and (c) 6 kc/s. removed in frequency.

- (b) that radio aids to air navigation, especially those which are of a one-way or broadcast nature, such as radiobeacons, should be expected to maintain the highest possible standards of reliability, stability, and quality of emissions;
- (c) that in the interests of economy of frequencies the limited number of channels suitable for the use of radio air navigational aids should be assigned with the closest practicable separation, considering the type of service and class of emission, and that, as far as possible, all nations should reserve the same bands for similar types of service in order to simplify receiver design and through standardization extend the geographical limits of usefulness.
- (d) that the sharing of frequencies to provide facilities within the authorized bands might be arranged by regional agreement between the countries within whose borders lie portions of the interference area of existing stations as determined by the table of interference ratios and service signals;
- (e) that the power radiated by radio aids to air navigation in the authorized frequency bands should ordinarily be confined to a value consistent with the normal required signal intensity within the area in which it is desired to render service in order that interference beyond the service area may be reduced to a minimum.

NOTE.—See additional material submitted by the U.S.A. for informative purposes, annexed.

SECTION 12

Suppression of Interference caused by Electrical Apparatus

1. Diathermy apparatus, induction field heaters, carrier call systems, and similar non-radio apparatus which use radio frequency currents as an essential to their operation, may be a serious source of interference to radio communications.

2. The use of such apparatus has an important place in therapeutics, surgery, industry, etc.

3. The radiation of radio energy is not essential to the proper functioning of the apparatus and can be prevented or controlled without impairing the usefulness of the apparatus for its intended purpose.

4. The radiation takes place generally from the output circuit, internal circuits or power supply connection, all of which are essential elements.

5. The extent of the radiation depends upon the operating frequency or frequencies, power, and the design, installation and operation of the apparatus.

2. *Tableau II*, qui spécifiera les intensités de signal minimum qui sont nécessaires pour la réception satisfaisante des diverses classes d'aide radio-électrique à la navigation aérienne, ces renseignements qui seront employés comme base, pour déterminer les aires de service normal.

3. *Tableau III*, qui spécifiera les valeurs admissibles, de l'intensité du signal interférant pour les divers types d'aide radio-électrique à la navigation aérienne, en exprimant ces valeurs en forme de rapport entre les signaux interférés et les signaux interférants dans le contour minimum de signal de service; a) dans la même fréquence, b) 3 Kc. hors de la fréquence et c) 6 Kc. hors de la fréquence.

- (b) Qu'il faut espérer que les services radio-électriques d'aide à la navigation aérienne, spécialement ceux de radio-diffusion unilatérale ainsi que les radio-phares, observeront les plus hautes règles de continuité, de stabilité et de qualité d'émission;
- (c) Que pour économiser des fréquences, on attribuera un nombre limité de voies appropriées aux services radio-électriques d'aide à la navigation aérienne en les séparant le moins qu'il est pratiquement possible, en tenant compte du type de service et de la classe d'émission; et qu'autant que possible toutes les nations devront réserver les mêmes bandes aux types analogues de service, de façon à pouvoir simplifier les récepteurs et à obtenir au moyen de la normalisation un agrandissement des limites géographiques d'utilité.
- (d) Que l'usage en commun des fréquences pour fournir les services nécessaires dans les bandes autorisées, peut être réglé par un accord régional entre les pays qui ont à l'intérieur de leurs frontières, des sections de l'aire d'interférence des stations existantes d'après la table de relations d'interférences et de signaux de service.
- (e) Que la puissance transmise par les postes d'aide à la navigation aérienne dans les bandes de fréquences autorisées, devront généralement se limiter aux valeurs compatibles avec l'intensité de signal dont on a besoin normalement, dans l'aire dans laquelle on a prévu le service, afin de réduire à un minimum l'interférence hors de l'aire de ce service.

NOTE.—Voir document additionnel présenté par les Etats-Unis d'Amérique pour information (Annexe).

SECTION 12

Suppression des interférences causées par des appareils électriques

1. Les appareils diathermiques, fours à induction, systèmes d'intercommunication domestique au moyen de hautes fréquences et autres appareils électriques qui emploient des courants de radio-fréquence comme élément essentiel de leur fonctionnement, peuvent causer des interférences aux radio-communications.

2. L'usage de ces appareils est d'une grande importance en thérapeutique, chirurgie, industrie, etc.

3. Le rayonnement de l'énergie radio-électrique n'est pas essentiel pour le fonctionnement approprié des appareils et on peut l'éviter ou le contrôler sans diminuer l'utilité de chaque appareil, pour le but auquel il est destiné.

4. Le rayonnement se produit généralement au circuit intérieur ou aux sources d'énergie, lesquels sont tous des éléments essentiels.

5. La grandeur du rayonnement dépend de la fréquence ou des fréquences du fonctionnement, de la puissance et de la construction, de l'installation et du fonctionnement de l'appareil.

6. The radiation through the power supply connection can be prevented by means of the proper line filter. Radiation from the internal circuits can be prevented by means of suitable metallic cases. The radiation from the output circuits can be reduced to a level so as not to cause interference to radio communications by means of suitable metallic shielding, if the shielding encloses the entire apparatus and is of sufficient dimensions that large eddy currents are not produced in the shield.

7. In many cases it may not be practicable to employ the required shielding.

8. The frequencies used for such apparatus may be any frequency in the useful radio spectrum. However, many modern diathermy units (which cause most long-distance radio interference) operate on frequencies from approximately 10,000 to 20,000 kilocycles. Operations on other frequencies mainly cause interference to local or moderate distance reception.

9. In cases where it is not practicable to shield the entire apparatus to control the radiation, then the only means of operating machines without causing interference would be to use frequencies which are not assigned to any radio services.

10. The usual diathermy machine is essentially a radio transmitter of the self-excited oscillating type and generally uses self-rectifying plate power supply. Due to the inherent instability of the oscillator circuits, the wide variation in voltage during a plate supply cycle, and the different uses to which the output circuit is subject, the operating frequency varies during normal operation over very wide bands, possibly one or two megacycles, when operating on a frequency of approximately 15 megacycles.

11. All diathermy machines designed for the same service could operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. To operate on a fixed frequency would require additional apparatus and cost in that automatic frequency control would be required to maintain the operating frequency within at least 1/20 per cent to be effective. At 15 megacycles this would require a band width of 15 kilocycles, or virtually one communication channel.

12. From the best information available diathermy operation should be restricted until the art advances to the point where apparatus may be designed to completely suppress interfering radiations, to three frequencies, namely, approximately 12 megacycles, 25 megacycles, and 50 megacycles.

13. Such apparatus as carrier call systems and certain types of induction furnaces and similar apparatus using medium or low frequencies should be required to restrict the generation of harmonics and make the necessary test to determine that radiation of signal does not result beyond a prescribed level.

14. Each subscribing country should make the necessary regulations to require the complete shielding or operation on designated frequencies of all non-radio apparatus which generate radio frequency electric energy as an essential to its operation but does not engage in radio communication.

6. Le rayonnement qui émane des sources d'énergie peut être évité en faisant usage d'un filtre de ligne approprié. Le rayonnement des circuits intérieurs peut s'éviter en employant des boîtes métalliques appropriées. Le rayonnement des circuits de sortie peut se réduire à un niveau par lequel il ne soit pas causé d'interférence aux radio-communications en employant un écran métallique, de telle façon que l'écran recouvre tout l'appareil, et que ses dimensions soient suffisantes pour empêcher que des courants importants n'y prennent.

7. Il se peut que dans beaucoup de cas l'usage d'un tel écran ne soit pas pratique.

8. On peut employer dans ces appareils une fréquence quelconque dans la partie utile du spectre de radio-communication. Cependant beaucoup d'appareils thérapeutiques modernes qui causent la plupart des interférences à longue distance, opèrent sur des fréquences de 10000 à 20000 Kc/s. approximativement. Quand on emploie d'autres fréquences on cause des interférences surtout à la réception à courte distance, ou à moyenne distance.

9. Dans les cas où il n'est pas pratique d'employer l'écran sur tout l'appareil afin de contrôler le rayonnement, le seul moyen qui fasse que ces machines fonctionnent sans causer d'interférences est l'usage de fréquences qui ne soient pas assignées au service de radio-communication.

10. L'appareil thérapeutique commun est essentiellement un émetteur du type oscillant par auto-excitation qui emploie généralement un courant de plaque auto-rectifié. A cause de l'instabilité inhérente aux circuits oscillateurs, aux grandes variations de voltages pendant chaque cycle du courant fourni à la plaque et aux divers usages que l'on peut donner au circuit de sortie, la fréquence varie pendant l'opération normale dans de très larges limites, vraisemblablement un ou deux mégacycles lorsqu'on opère sur une fréquence de près de 15 mégacycles.

11. Toutes les machines thérapeutiques construites pour un même service peuvent opérer à la même fréquence sans limiter leur utilité, puisque le rayonnement émis par d'autres machines ne gêne en rien leur fonctionnement. Il faudrait des semblables appareils plus compliqués et de prix plus élevés pour pouvoir fonctionner sur une fréquence stable puisqu'on devrait installer un contrôle automatique de fréquences pour maintenir la fréquence sur laquelle on opère avec une variation d'au moins $\frac{1}{20}$ de un pour cent sur 15 mégacycles, ce qui correspondrait pratiquement à un canal entier de communications.

12. D'accord avec les meilleurs renseignements dont on dispose, on devrait restreindre les appareils diathermiques jusqu'à ce que la science atteigne un progrès tel que les appareils puissent être faits de façon à supprimer complètement les rayonnements nuisibles à trois fréquences qui sont approximativement 12, 25, et 50 mégacycles.

13. Au sujet des appareils comme les systèmes d'inter-communication domestique et comme certains types de fours à induction, ainsi qu'au sujet d'appareils analogues qui emploient des fréquences moyennes ou basses, on devrait exiger que la génération d'harmoniques soit limitée autant que possible, et qu'une épreuve de rigueur soit faite pour vérifier si le rayonnement ne dépasse pas un niveau déterminé.

14. Chaque pays contractant devra promulguer le règlement nécessaire pour exiger que les appareils électriques qui engendrent une énergie électrique de radio-fréquence, soient munis d'écrans et pour qu'ils se maintiennent à des fréquences déterminées, comme mesure essentielle de leur fonctionnement. Il s'agit des appareils qui ne s'emploient pas dans la radio-communication.

15. There is annexed hereto a report on "Radio Interference from Electro Therapeutic Apparatus" presented by Canada which is to be considered part of the material adopted on this subject.

NOTE.—See "Radio Interference from Electro Therapeutic Apparatus" report presented by Canada, contained in document C.I.R./Doc. 43.

In witness whereof, the respective Delegates have signed various copies of this instrument in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting Governments.

Done in the city of Havana, Republic of Cuba, on the 13th day of December, 1937.

Argentine Republic:

Brazil:

JOSÉ ROBERTO DE MACEDO-SOARES.

Canada:

LAURENT BEAUDRY.

C. P. EDWARDS.

Colombia:

JORGE SOTO DEL CORRAL.

RICARDO GUTIÉRREZ LEE Y RIVERO.

Cuba:

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNANDEZ CATÁ Y GALT.

Chile:

EMILIO EDWARDS BELLO.

Dominican Republic:

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

United States of America:

T. A. M. CRAVEN.

Guatemala:

ARTURO CÓBAR L.

Haiti:

JUSTIN BARAU.

Mexico:

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

15. Un rapport sur la "radio-interférence par les appareils électro-thérapeutiques", qui a été présenté par le Canada et qui doit être considéré comme faisant partie des dispositions adoptées à ce sujet, est annexé au présent document.

NOTE. — ("Radio-Interférence produite par des appareils electro-thérapeutiques". Rapport présenté par le Canada. Document C.I.R. Doc. 43.)

En foi de quoi, les Délégués respectifs ont signé des copies de cet instrument en espagnol, en anglais, en portugais, et en français qui seront déposées aux archives du Gouvernement de Cuba; ce Gouvernement en enverra une copie certifiée en chaque langue, aux autres Gouvernements contractants.

Fait à la Havane, République de Cuba, le 13 décembre 1937.

Argentine:

Brésil:

JOSÉ ROBERTO DE MACEDO-SOARES.

Canada:

LAURENT BEAUDRY.

C. P. EDWARDS.

Colombie:

JORGE SOTO DEL CORRAL.

RICARDO GUTIERREZ LEE Y RIVERO.

Cuba:

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNÁNDEZ CATÁ Y GALT.

Chili:

EMILIO EDWARDS BELLO.

République Dominicaine:

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

États-Unis d'Amérique:

T. A. M. CRAVON.

Guatemala:

ARTURO CÓBAR L.

Haïti:

JUSTIN BARAU.

Mexique:

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNÁNDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

Nicaragua:

GUILLERMO ARGUEDAS.

Panama:

ERNESTO B. FÁBREGA.

Peru:

CARLOS A. TUDELA.

Uruguay:

CÉSAR GORRI.

Venezuela:

ALBERTO SMITH.

Nicaragua:

GUILLERMO ARGUEDAS.

Panama:

ERNESTO B. FÁBREGA.

Pérou:

CARLOS A. TUDELA.

Uruguay:

CÉSAR GORRI.

Venezuela:

ALBERTO SMITH.

ANNEX

Additional Document for Information Purposes

In accordance with the suggestion made for an interchange of technical information, the Inter-American Radio Conference takes into consideration the following points, which shall be presented at the appropriate time by the Government of the United States of America, to all the American countries.

1. Lists of all aeronautical stations in the United States operated by the Department of Commerce, Bureau of Air Commerce. This list will give the following information concerning each station:

Location and type of station.

Bearings of all range beacon courses.

Call letters.

Operating frequency in kilocycles.

Station identification signals.

Bearing and distance to nearest landing field, including exact elevation of such field above sea level.

Schedule of radiotelephone broadcasts of weather information and notices to airmen.

2. Maps on which are plotted locations and range courses of all directional guidance, weather broadcast, and marker beacon stations.

3. Maps of the Department of Commerce aeronautical ground communication system of teletypewriter and radio point-to-point stations.

4. Maps of designated Federal Air mail routes of the United States.

5. Tables and graphic interpretations thereof showing normal service area and normal interference area of each type of directional guidance stations. These tables will be based on an assumption of definite values of minimum service signal and maximum interference ratios and will be corrected for variations in transmitting antenna efficiency to all frequencies between 200 and 400 kc.

6. Attenuation curves based on measurements of existing range beacon stations, showing variation of sky wave intensity with frequency and distance and indicated maximum and minimum ground attenuation as experienced in widely different parts of the continental United States.

7. Detailed performance specifications of various types of aeronautical radio aids developed by the United States Bureau of Air Commerce and approved for service operation.

ANNEXE

Document additionnel d'information

D'accord avec la suggestion concernant un échange de rapports techniques, la Conférence interaméricaine de Radio-communications considère les renseignements suivants, qui seront fournis par le Gouvernement des Etats-Unis à tous les pays américains.

1. Liste de toutes les stations aéronautiques qui se trouvent aux Etats-Unis sous la direction du Bureau d'Aviation Commerciale du Ministère du Commerce. Dans cette liste apparaîtra le suivant rapport sur chaque station:

L'endroit où il est situé et son type.

La direction de tous les radio-phares d'orientation.

Les lettres d'appel.

La fréquence d'opération en kilocycles.

Les signaux d'identification du poste.

La position et la distance par rapport au champ d'atterrissage les plus proches en indiquant la hauteur exacte du champ au-dessus du niveau de la mer.

L'horaire des irradiations téléphoniques de rapport météorologiques et d'avertissements aux aviateurs.

2. Des cartes où sont signalées la situation et la portée de toutes les stations d'orientation, des rapports météorologiques et de radio-phares indicateurs.

3. Des cartes du système de communication terrestre que maintient le ministère du Commerce au moyen du "télétypewriter", et, des stations de radio-communications entre points fixes.

4. Des cartes des routes du service postal aérien fédéral des Etats-Unis d'Amérique.

5. Des tableaux avec leur interprétation graphique ou correspondante où sont signalées l'aire du service normal et l'aire normale d'interférence de chaque type de poste d'orientation. Ces Tableaux seront basés sur l'appréciation des valeurs définitives des signaux de service minimum, et les proportions maximum d'interférences, et seront corrigées en ce qui concerne les variations de l'efficacité de l'antenne d'émission à toutes les fréquences depuis 200 à 400 kilocycles.

6. Des courbes d'atténuation qui seront basées sur les mesures des stations actuellement existantes des radio-phares d'orientation et qui signaleront le changement d'intensité de l'onde réfléchie avec la fréquence et la distance, et le maximum et le minimum indiqués pour l'atténuation terrestre, tels qu'ils ont été fixés dans des régions du territoire continental des Etats-Unis, très différentes les unes des autres.

7. Des spécifications détaillées sur le fonctionnement des divers types radio-électriques d'aire à l'aviation préparés par le Bureau d'Aviation des Etats-Unis d'Amérique et approuvés pour être appliqués.

G. Dr. Doc
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E

CANADA

TREATY SERIES, 1938

No. 18

INTER-AMERICAN
RADIOCOMMUNICATIONS CONVENTION

Signed at Havana December 13, 1937

Ratification of Canada deposited at Havana,
December 22, 1938

PARTS I, III AND IV IN FORCE DECEMBER 22, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

Signed at Havana, December 13, 1937

Instrument of Ratification of Canada deposited at Havana,
December 22, 1938

CONVENTION INTERAMÉRICAINNE DE RADIOCOMMUNICATIONS

Signée à la Havane le 13 décembre 1937

Instrument de Ratification du Canada déposé à la Havane
le 22 décembre 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

Price, 25 cents

INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION
and appended documents
HAVANA, 1937

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CONVENTION INTERAMÉRICAINNE DE RADIOCOMMUNICATIONS

et ses Annexes

LA HAVANE, 1937

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INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

**concluded at Havana, on December 13th, 1937, among the
Governments of the States named below:**

Brazil,	Dominican Republic,	Nicaragua,
Canada,	United States of America,	Panama,
Colombia,	Guatemala,	Peru,
Cuba,	Haiti,	Uruguay and
Chile,	Mexico,	Venezuela.

The governments named above, recognizing the benefits of co-operation and mutual understanding resulting from the exchange of views with respect to radiocommunications, have designated the undersigned plenipotentiaries to the first Inter-American Radio Conference, held in the City of Havana, Republic of Cuba, who by common consent and subject to ratification, have concluded the following Convention, in conformity with the provisions of the International Telecommunications Convention of Madrid, 1932.

PART ONE CONFERENCES

ARTICLE 1

Objective

The contracting governments agree to meet periodically in conferences of plenipotentiaries for the purpose of resolving by common understanding such problems as may arise in the field of radiocommunications in the American continent.

ARTICLE 2

Composition of the Conferences

The conferences shall be composed, as provided in the Internal Regulations of the Inter-American Radio Conferences (Annex 1 of this Convention), of the delegates of all the Governments of the American Continent which agree to attend.

Representatives of institutions and organizations associated with radio-communications, of enterprises or groups of enterprises and bodies or persons engaged in the operation of radio services may also attend, as observers, provided they are authorized by their respective Governments.

ARTICLE 3

Voting

(A) Only one vote shall be had in the Conferences by each State that meets the following qualifications:—

- I. a permanent population;
- II. a defined territory;
- III. government;
- IV. capacity to enter into relations with the other States.

(B) Countries or territories not possessing these qualifications may have voice but no vote in the conferences; but agreements resulting from the conferences shall be open for their adherence through the medium of their respective home governments.

CONVENTION INTERAMÉRICAINNE DE RADIO-COMMUNICATIONS

arrêtée à la Havane, le 13 décembre 1937, entre les Gouvernements des
pays suivants:

Brésil,	République Dominicaine,	Nicaragua,
Canada,	Etats-Unis d'Amérique,	Panama,
Chili,	Guatémala,	Pérou,
Colombie,	Haïti,	Uruguay et
Cuba,	Mexique,	Venezuela.

Reconnaissant les avantages de la coopération et de l'entente mutuelle qui résultent de l'échange d'idées au sujet de Radio-Communications, les Gouvernements ci-dessus ont désigné les plénipotentiaires soussignés à la Première Conférence Interaméricaine de Radio-Communications qui a eu lieu à la Havane, République de Cuba, lesquels, d'un commun accord et sujet à ratification, ont arrêté la Convention suivante, en conformité avec les dispositions de la Convention Internationale de Télé-Communications de Madrid 1932.

PREMIÈRE PARTIE

CONFÉRENCES

ARTICLE 1

Objet

Les Gouvernements contractants ont décidé de se réunir périodiquement en Conférence de Plénipotentiaires pour y résoudre, de commun accord, les problèmes qui pourraient se présenter dans le domaine des radio-communications dans le Continent Américain.

ARTICLE 2

Composition des Conférences

Les Conférences se composeront d'accord avec les termes fixés par le Règlement intérieur des Conférences Interaméricaines de Radio-Communications, (Annexe 1 de la présente Convention) des Délégués de tous les Gouvernements du Continent Américain qui accepteront d'y prendre part.

Des représentants d'institutions et d'organisations intéressées dans les Radio-communications, d'entreprises ou de groupements d'entreprises, d'entités ou de personnes qui exploitent des services radio-électriques, peuvent aussi y prendre part comme observateurs à condition d'y être autorisés par leurs gouvernements respectifs.

ARTICLE 3

Votation

(A) Les Etats qui réunissent les conditions suivantes:

- I.—Une population permanente.
- II.—Un territoire déterminé.
- III.—Un Gouvernement.
- IV.—La capacité d'engager des relations avec les autres Etats,

n'auront qu'une voix.

(B) Les pays ou territoires qui ne possèdent pas les conditions ci-dessus, pourront prendre part aux débats, mais non pas voter au cours des conférences; mais ils pourront adhérer aux accords, résultats de ces Conférences, par l'intermédiaire de leurs Gouvernements métropolitains respectifs.

ARTICLE 4

Place and Date of Conferences

The conferences shall be held at intervals not greater than three years. The country and the date at which each conference is to meet shall be fixed by the preceding conference. However, the date scheduled for a meeting may be advanced or postponed by the organizing government at the request of five or more participating governments.

The government of the country in which the conference is scheduled to be held, hereafter referred to as the organizing government, shall fix the place and the final date of the meeting and shall send out the invitations for attendance through the customary diplomatic channels, at least six months in advance.

ARTICLE 5

Internal Regulations for Conferences

This convention has annexed Internal Regulations for the Inter-American Radio Conference (Annex 1) which establish the procedure to be followed at the meetings and which may be amended only by the affirmative vote of two-thirds of the states participating at the Conference in question.

PART TWO

INTER-AMERICAN RADIO OFFICE, (O.I.R.)

ARTICLE 6

Object

The contracting governments agree:—

- (A) To establish the Inter-American Radio Office, (OIR), as an Inter-American organization of a consultative character which shall centralize and facilitate, among the administrations of the American countries, the interchange and circulation of information relative to radiocommunications in all their aspects, and collaborate in the organization of the conferences mentioned in Part One of this convention; and
- (B) 1. To communicate at the proper time to the Inter-American Radio Office all provisions of internal and international radio legislation and the regulations in force in their territories, and such amendments as may be introduced in these provisions; as well as statistical, technical and administrative reports relative thereto; and
 - 2. Specifically, to transmit to the OIR every six months an official list of the frequencies assigned by them to all broadcasting stations and to notify monthly all changes and additions thereto.

Such notification shall be made in accordance with the procedure adopted in the current General Radio Regulations annexed to the International Telecommunication Convention and shall also include:—

- (a) Power actually in use.
- (b) Maximum contemplated power.
- (c) Hours of transmission.

The required notifications referred to shall be made in all cases, independently of the usual notification sent to the Bureau of the International Telecommunication Union.

ARTICLE 4

Lieu et date des Conférences

Les Conférences auront lieu à des intervalles qui ne dépasseront pas trois ans. Le Pays et la date de réunion de chaque Conférence seront fixés par la Conférence antérieure. Cependant la date signalée pour une réunion pourra être avancée ou retardée, par le Gouvernement organisateur, à la demande de cinq ou de plus de cinq Gouvernements participants.

Le Gouvernement du Pays où doit se réunir une Conférence, qui sera appelé le Gouvernement Organisateur, fixera le lieu et la date définitive de la réunion et enverra, par la voie diplomatique, au moins six mois d'avance les invitations d'usage.

ARTICLE 5

Règlement Intérieur des Conférences

Un Règlement Intérieur des Conférences interaméricaines de Radio-communications, (annexe 1) qui fixe la procédure des réunions de la Conférence et qui ne pourra être modifié que par un vote favorable d'une majorité des deux tiers des Etats participants à la Conférence mentionnée, est annexé à cette Convention.

DEUXIÈME PARTIE

BUREAU INTERAMÉRICAIN DE RADIO-COMMUNICATIONS (O.I.R.)

ARTICLE 6

Objet

Les Gouvernements contractants ont convenu:

- (A) D'établir le Bureau Interaméricain de Radio-communications (O.I.R.) comme organisme Interaméricain de caractère consultatif qui centralisera et facilitera l'échange et la circulation d'information concernant les Radio-communications sous tous leurs aspects, entre les Administrations des pays américains, et qui collaborera à l'organisation des Conférences mentionnées dans la première partie de cette Convention.
- (B) 1. De communiquer opportunément au Bureau Interaméricain de Radio-communication toutes les dispositions de législation intérieure et internationale qui sont en vigueur sur leurs territoires ainsi que les rapports de statistiques, techniques et administratifs concernant les radio-communications et de même les modifications qui se feront à ces dispositions; et
 - 2. Ils devront remettre spécialement au Bureau Interaméricain de Radio-communications, tous les six mois, une liste officielle des fréquences par eux assignées à toutes les stations de radio-diffuseurs et en plus, tous les mois, ils devront rapporter toutes les modifications et toutes les additions qui y auront été faites.

Ces communications devront être faites d'accord avec la procédure adoptée dans le règlement général de radio-communications annexé à la Convention Internationale de Télé-communications en vigueur et on devra y inclure en plus:

- (a) Puissance actuellement employée.
- (b) Puissance maximum que l'on se propose d'employer.
- (c) Horaire des Transmissions.

Ces communications devront se faire dans tous les cas indépendamment de celles qui se remettent au Bureau de l'Union Internationale de Télé-communications.

ARTICLE 7

Functions

The Inter-American Radio Office shall be charged with:—

- (a) the preparatory work of conferences and the work resulting from their decisions;
- (b) providing in accord with the organizing government concerned, the Secretariat of the conferences;
- (c) the issuance of such publications as may be established by conferences;
- (d) the publication and circulation of technical information other than that resulting from conferences, including the exchange of data relating to the accuracy and stability of frequencies, to interference or other disturbances observed in the territories of the contracting countries, and such other studies as may be carried on, such as the propagation of waves, the general characteristics of antennas, etc.; also the exchange of documents of a legal nature, treaties and general information designed for a better understanding and raising of the standards of radiocommunications in the American continent;
- (e) the submission of an annual report of its work, which shall be communicated to all contracting governments;
- (f) the performance of such other duties as may pertain to it or be assigned to it by the conferences.

ARTICLE 8

Maintenance of the Office

(a) The general expenses of the Inter-American Radio Office shall not exceed the sum of Twenty-five thousand dollars (\$25,000) currency of the United States of America, per annum.

(b) In order to defray these expenses each of the American governments agrees to contribute in proportion to a certain number of units corresponding to the category to which it belongs, as provided in the Internal Regulations of the O.I.R. For this purpose six categories are established with the units assigned to each as shown below:—

Categories.. . . .	I	II	III	IV	V	VI
Units.. . . .	25	20	15	10	5	3

(c) The general expenses will not include the expenses incidental to the work of conferences, which shall be borne by the organizing government.

(d) The funds required for the Office shall be payable half yearly in advance by the governments forming part of the Inter-American Radio Office. If any country is in arrears of payment the government of the country in which the Office is located shall advance amounts as required. The sums thus advanced must be reimbursed by the debtor governments as soon as possible and at the latest at the expiration of the fourth month following the date on which payments are due.

ARTICLE 9

Seat and Supervision of the Office

(a) The seat of the Inter-American Radio Office and appointment of Director will form a subject of the Agenda for each conference.

(b) The Government of the country where the Office has its seat shall exercise general supervision over its organization, budget and finances and make the necessary advances of funds.

ARTICLE 7

Attributions

Le Bureau Interaméricain de Radio-communications se chargera:

- (A) des travaux préparatoires aux Conférences et de ceux qui dérivent de leurs décisions.
- (B) de créer d'accord avec le Gouvernement organisateur, le Secrétariat des Conférences.
- (C) de publier et de distribuer les documents désignés par les Conférences;
- (D) de publier et de distribuer des informations techniques autres que celles qui résultent des Conférences, comprennent l'échange de renseignements relatifs à l'exactitude et à la stabilité des fréquences, aux interférences et aux autres dérangements observés sur le territoire des pays contractants et aux autres études qui se feront par exemple sur les caractéristiques générales des ondes de différentes antennes, etc., ainsi que l'échange de documents de caractère juridique, de Traités et d'information générale pour une meilleure compréhension et un meilleur perfectionnement des règles de radio-communications dans le continent américain.
- (E) de présenter un rapport annuel de ses travaux qui sera communiqué à tous les gouvernements contractants; et
- (F) de remplir n'importe quelle autre fonction qui lui corresponde ou qui lui soit attribuée par les Conférences.

ARTICLE 8

Subvention du Bureau

(A) Les frais généraux du Bureau Interaméricain de radio-communications (O.I.R) ne dépasseront pas la somme de vingt-cinq mille dollars (\$25,000) en monnaie des Etats-Unis d'Amérique, par an;

(B) pour payer les frais chacun des Gouvernements Américains accepte de contribuer dans la proportion d'un certain nombre d'unités correspondant à la catégorie à laquelle il appartient, telle que prévue par le Règlement Intérieur de l'O.I.R.—Dans ce but 6 catégories sont établies avec les unités correspondant à chacune telles qu'indiquées ci-dessous:

Catégories:	I	II	III	IV	V	VI
Unités:	25	20	15	10	5	3

(C) les frais généraux ne comprendront pas les frais causés par les conférences; ces derniers seront payés par le Gouvernement organisateur.

(D) les fonds nécessaires pour subventionner le Bureau devront être payés d'avance tous les 6 mois par les Gouvernements qui font partie du Bureau interaméricain de radio-communications. Si un gouvernement retardait ses paiements le gouvernement du pays siège du bureau avancera les fonds qui seront nécessaires; les fonds avancés par ce gouvernement devront être remboursés par le gouvernement débiteur le plus tôt possible, et au plus tard, au cours des 4 mois qui suivront la date à laquelle le paiement aurait dû être fait.

ARTICLE 9

Siège et surveillance du bureau

(A) le siège du bureau interaméricain de radio-communication et la désignation de directeur sera un des sujets du programme de chaque Conférence.

(B) le Gouvernement du pays où le bureau a son siège sera chargé de son inspection et de la surveillance de son organisation, de son budget et de ses finances, et fera les avances nécessaires.

(c) The accounts of the Inter-American Radio Office shall be submitted by the Government where the Office is located to the next succeeding conference for approval.

(d) The Office is placed initially under the auspices of the Government of Cuba. Its headquarters shall be in the city of Havana.

ARTICLE 10

Internal Regulations for O.I.R.

This Convention has annexed Internal Regulations of the Inter-American Radio Office (Annex 2), which provide the details for the internal administration of this organization and which may be amended only by the affirmative vote of two-thirds of the States represented at a conference.

PART THREE

SPECIAL PROVISIONS

ARTICLE 11

General Principles

(a) The contracting Governments recognize the sovereign right of all nations to the use of every radio broadcasting channel.

(b) The American Governments, upon the sole condition that no interference will be caused to the services of another country, may assign any frequency and any type of wave to any radio station under their authority.

(c) Nevertheless, the Governments recognize that, until technical development reaches a state that permits the elimination of radio interference of international character, regional arrangements are essential in order to promote standardization and to minimize such interference.

(d) For the solution of those problems which, because of special propagation characteristics and interference conditions of radio transmission in the various geographical zones require special provisions, the contracting Governments agree to divide the American continent into three regions, designated as the northern zone, the central zone, and the southern zone (Annex 3).

ARTICLE 12

Bilateral Agreements

The contracting governments whenever they shall deem it desirable within the scope of this convention shall negotiate bilateral agreements concerning the operation of radiotelegraph stations as between their respective nations in order to facilitate direct communication.

ARTICLE 13

Frequency Measuring Stations

The contracting governments agree to establish frequency measuring stations as soon as possible.

ARTICLE 14

Exchange of Information

The contracting governments which have not undertaken to communicate data relating to radiocommunications to an Inter-American centralizing office, shall interchange with all the other American governments the data referred to in Article 6, paragraph B (2), of this Convention.

(C) les comptes du Bureau international de Radio-communications seront soumis, par le Gouvernement du pays où siège le bureau, à l'approbation de la Conférence suivante.

(D) le bureau s'établira en premier lieu sous les auspices du Gouvernement de Cuba; son siège sera la ville de la Havane.

ARTICLE 10

Règlement intérieur de L'O.I.R.

Un règlement intérieur du Bureau interaméricain de Radio-communications est annexé à cette Convention (Annexe 2) ce règlement fixe les détails de cette organisation; il ne pourra être modifié que par une décision qui réunisse une majorité des deux tiers des voix des Etats représentés à une Conférence.

TROISIÈME PARTIE

DISPOSITIONS SPÉCIALES

ARTICLE 11

Principes généraux

(A) Les Gouvernements contractants reconnaissent le droit souverain de toutes les nations à l'usage de toutes les voies de radio-diffusion.

(B) Les Gouvernements américains, sous la seule condition de ne causer aucune interférence aux services des autres pays, peuvent assigner n'importe quelle espèce d'ondes et n'importe quelle fréquence aux stations de radio-diffusion qui se trouvent sous leur juridiction.

(C) Cependant les Etats reconnaissent que jusqu'à ce que le progrès technique atteigne un point qui permette d'éliminer les interférences de radio-communications de caractère international, les accords régionaux sont essentiels pour établir la normalisation et diminuer les interférences.

(D) Pour résoudre les problèmes qui, à cause des caractéristiques spéciales de propagation et des conditions d'interférence des émissions radio-électriques dans les diverses zones géographiques, nécessitent de dispositions spéciales, les Gouvernements contractants conviennent de diviser en trois régions le Continent américain: la zone septentrionale, la zone centrale, et la zone méridionale. (Annexe 3.)

ARTICLE 12

Accords bi-latéraux

Les Gouvernements contractants, quand ils le jugeront opportun, et dans les limites de cette Convention, arrêteront des accords bi-latéraux entre leurs nations respectives concernant le fonctionnement des stations radio-télégraphiques pour faciliter les communications directes entre celles-ci.

ARTICLE 13

Postes de contrôle de fréquences

Les Gouvernements contractants s'engagent à établir dans le délai le plus court possible, des postes de contrôle de fréquence.

ARTICLE 14

Échange de rapports

Les Gouvernements contractants qui ne se sont pas engagés à remettre à un Bureau Interaméricain Centralisateur des rapports relatifs aux radio-communications sur son territoire, échangeront avec tous les autres gouvernements américains tous les renseignements auxquels se rapporte l'article 6 alinéa B) 2 de la présente Convention.

ARTICLE 15

Safety of Life at Sea and in the Air

The contracting Governments shall take appropriate measures to ensure the maintenance of an adequate radio service, operated or licensed by the Government for the safety of navigation by sea and air.

ARTICLE 16

Obligation of all Commercial Aircraft to carry Radio Equipment

The contracting Governments agree that:—

- (a) All aircraft when operating on International scheduled services and carrying passengers shall compulsorily be provided with radio apparatus, both sending and receiving, which must be in efficient operating condition and in charge of properly licensed operators; and
- (b) Aircraft used for the transportation of passengers on international scheduled services making journeys over the sea beyond seventy-five kilometers from any coast, shall be able to transmit and receive on the frequency of 500 kc/s. for the purpose of establishing emergency communication with stations in the marine radio service.

ARTICLE 17

Establishment of Aeronautical Radio Stations

The contracting Governments agree independently or in accord with neighbouring countries to take the steps necessary to establish a sufficient number of regional stations, operated or licensed by the Government, to furnish meteorological and safety information necessary for air traffic and aircraft guidance.

ARTICLE 18

Emergency Communications

Subject to the internal regulations of each country, any radio transmitting station, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, carry on emergency communication with points other than those normally authorized.

ARTICLE 19

Cultural Broadcasting

The contracting governments shall take the necessary measures in order to facilitate and promote the retransmission and exchange of international cultural, educational and historical programs of the countries of the American continent by their respective broadcasting stations.

ARTICLE 20

Press Transmissions to Multiple Destinations

The contracting Governments agree that:—

- (A) The respective governments shall encourage the rapid and economical transmission, dissemination and interchange of news and information among the nations of America;

ARTICLE 15

Sécurité de la vie sur mer et dans l'air

Les Gouvernements contractants prendront les mesures nécessaires pour fournir un service de radio-communications approprié dépendant du Gouvernement, ou autorisé par celui-ci, pour la sécurité de la navigation maritime et aérienne.

ARTICLE 16

Obligation pour tout aéronef commercial d'être muni d'un équipement radio-électrique

Les Gouvernements contractants décident:

- (A) que tout aéronef destiné au transport de passagers, faisant un service international de passagers, avec itinéraire fixe, devra être obligatoirement muni d'appareils radio-électriques de transmission et de réception qui puissent fonctionner avec efficacité et manipulés par des opérateurs dûment diplômés.
- (B) que les aéronefs destinés au transport international de passagers, dont le service suit un itinéraire fixe, et qui volent sur la mer à plus de 75 kilomètres des côtes, devront être en mesure d'émettre et de recevoir sur fréquence de 500 Kc/s., pour pouvoir établir des communications de secours avec les stations du service radio-électrique maritime.

ARTICLE 17

Établissement des stations aéronautiques radio-électriques

Les Gouvernements contractants ont convenu de prendre individuellement ou d'accord avec les pays voisins les mesures nécessaires pour établir un nombre suffisant de stations régionales administrées, ou autorisées par eux, pour fournir les renseignements météorologiques et de sécurité nécessaires au trafic aérien et au guidage des aéronefs.

ARTICLE 18

Communications d'urgence

Sujet aux lois de son pays, n'importe quel poste radio-émetteur, pourra, en cas d'urgence et lorsque les communications normales sont interrompues à la suite d'ouragans, d'inondations, de tremblement de terre et de catastrophes semblables, établir des communications d'urgence avec des points autres que ceux qui sont normalement autorisés.

ARTICLE 19

Radio-diffusion culturelle

Les Gouvernements contractants prendront les mesures nécessaires pour faciliter et stimuler la retransmission et l'échange de programmes internationaux d'un caractère culturel, éducatif et historique, des pays du Continent Américain, au moyen de leurs postes de radio-diffusion respectifs.

ARTICLE 20

Radio-communications adressées à des multiples destinations

Les Gouvernements américains ont convenu:

- (A) Les Gouvernements respectifs encourageront la transmission, dissémination et échanges rapides et économiques de nouvelles et d'information entre les pays d'Amérique.

- (B) Informative publications and news agencies be granted the use and enjoyment of the advantages of press radiocommunications to multiple destinations, these being offered at minimum prices, for which the tariffs may be based on units of time devoted to the transmission, or other means similarly economical;
- (C) The low rates and other advantages, deriving from the principles established in the foregoing paragraphs of this article be enjoyed by all regularly constituted news and information agencies, newspapers and other periodicals, broadcast stations, news reels, news by printer services, bulletin boards, and any other proper means which may be developed;
- (D) Encouragement should be given to the use and development of devices and methods designed to prevent unauthorized interception of press radio multiple address transmissions.

ARTICLE 21

Retransmissions

The contracting Governments shall take appropriate measures to ensure that no program transmitted by a broadcasting station may be retransmitted or rebroadcast, in whole or in part, by any other station without the previous authorization of the station of origin.

The rebroadcasting station shall announce at suitable periods during the retransmission the nature of the broadcast, the location and the official call letters or other identification of the station of origin.

ARTICLE 22

Clandestine Stations

The contracting Governments agree to give mutual support in discovering and suppressing clandestine transmitting stations whenever this becomes necessary.

PART FOUR

GENERAL PROVISIONS

ARTICLE 23

Entry into Force of the Convention and Ratification

(A) The present Convention shall be ratified by the contracting States in conformity with their respective constitutional procedures.

(B) Parts One, Three and Four of the present Convention shall come into force on the first day of July, 1938, if at that date two ratifications or final adherences have been deposited with the government of the country where the conference was held. If two ratifications or final adherences have not been deposited on that date those Parts of the Convention shall come into force thirty days after the second ratification or adherence has been deposited.

(C) In order that Part Two of this Convention shall come into force, it will be necessary that the ratifications or final adherences deposited by the American governments shall represent, when added together, more than one-half of the contributory units established for the maintenance of the Inter-American Radio Office (O.I.R.), in accordance with Article 8, paragraphs B, of this Convention, as classified in the Internal Regulations of the O.I.R. (Annex 2, Article 7).

(D) The depository government shall notify, as soon as possible, the ratifications and adherences which are received to all the governments of the States of the American Continent.

- (B) On facilitera aux publications informatives et aux agences de nouvelles l'emploi et la jouissance des avantages des radio-communications de presse, adressées à de multiples destinations en les leur offrant à des prix minimum; pour cela on pourrait établir les tarifs en rapport avec les unités de temps employées pour les transmettre ou par d'autres moyens dont les résultats économiques seraient similaires.
- (C) Toutes les agences de nouvelles ou d'information dûment établies, les journaux ou autres publications périodiques, les postes de radio-diffusion, les revues cinématographiques, les services de reproduction typographique, les tableaux informatifs et tous les autres moyens de diffusion qui puissent se développer, devront jouir de tarifs bas et des avantages qui dérivent des principes établis par les articles antérieurs.
- (D) On devra stimuler l'usage et le développement des dispositifs et des méthodes qui ont pour but d'éviter l'interception non autorisée de nouvelles de presse transmises par radio-communications à de multiples adresses.

ARTICLE 21

Retransmissions

Les Gouvernements contractants prendront les mesures nécessaires pour éviter que les programmes transmis par une station de radio-diffusion soient retransmis ou émis, totalement ou partiellement par une autre station sans avoir obtenu auparavant l'autorisation de la station d'origine.

Le poste qui retransmettra n'importe quel programme devra annoncer la retransmission, et, à intervalles appropriés, la nature de l'émission, la position du poste d'origine et l'indicatif d'appel ou toute autre identification de celui-ci.

ARTICLE 22

Postes clandestins

Les Gouvernements contractants ont convenu qu'ils se prêteront une aide mutuelle pour découvrir et supprimer les postes émetteurs clandestins.

QUATRIÈME PARTIE

DISPOSITIONS GÉNÉRALES

ARTICLE 23

Entrée en vigueur et ratifications

(A) La présente Convention sera ratifiée par tous les Etats contractants conformément à leurs procédures constitutionnelles respectives.

(B) Les Première, Troisième et Quatrième Parties de la présente Convention entreront en vigueur le 1er juillet 1938, si à cette date, se trouvent déposées, par-devant le Gouvernement du pays où la Conférence a eu lieu, deux ratifications ou adhésions définitives. Si à cette date, deux ratifications ou deux adhésions n'ont pas été déposées, ces Parties de la Convention entreront en vigueur trente jours après la déposition de la deuxième ratification ou adhésion définitive.

(C) La seconde Partie de cette Convention entrera en vigueur quand se trouvera déposée la ratification ou l'adhésion définitive des Gouvernements Américains dont les contributions pour la subvention du Bureau interaméricain de Radio-Communications, d'accord avec ce que prévoit l'article 8, alinéa B), représentent, une fois additionnées, plus de la moitié des unités établies par le Règlement intérieur du Bureau interaméricain de Radio-Communications (Annexe 2, article 7).

(D) Le Gouvernement dépositaire communiquera, dans le plus court délai possible, à tous les Etats américains, les ratifications ou les adhésions définitives.

ARTICLE 24**Adherences**

This Convention shall be open to adherence by all non-signatory American countries.

ARTICLE 25**Divisibility of Convention**

The ratifications or adherences to the present Convention may refer to totality thereof or to two or more of its parts; provided, that, in every case Parts One and Four (Conferences and General Provisions) be ratified or adhered to.

ARTICLE 26**Reports of Ratifications and Adherences**

On June 1, 1938, and subsequently at intervals of six months, the depository government shall request those governments of the Americas which may not have ratified or adhered to this Convention, to report regarding such ratification or adherence. These reports shall be communicated to all the other governments of the American Continent.

ARTICLE 27**Denunciation**

(A) This Convention may be denounced in its entirety, or Parts Two and Three separately, by notice addressed to the depository government. This notice shall become effective one year after date of receipt thereof, and shall be effective only for the government denouncing.

(B) The depository government shall notify all the governments of the States of the Americas of the denunciations received.

ARTICLE 28**Languages**

The present Convention has been drafted in Spanish, English, Portuguese and French, all of which shall be authentic.

ARTICLE 29**Special Agreements**

The contracting governments reserve for themselves the right to make special or regional agreements which do not concern the governments in general. These agreements, however, must be within the limits of this Convention and the Regulations annexed thereto so far as concerns the interference which may result from such agreements with the services of the other countries.

ARTICLE 30**Codification**

At future conferences all provisions of this Convention remaining unchanged shall be included with the new provisions that may be adopted.

ARTICLE 24

Adhésions

Cette Convention restera ouverte à l'adhésion de tous les pays américains non-signataires.

ARTICLE 25

Divisibilité de la convention

Les ratifications ou les adhésions à la présente Convention pourront se rapporter à son ensemble ou à deux parties ou plus, si, dans tous les cas on ratifie la Première et la Quatrième Partie, ou on y adhère. (Conférences et Dispositions générales).

ARTICLE 26

Rapports des Ratifications et des adhésions

Le 1er juin 1938, et après cette date, tous les six mois, le Gouvernement dépositaire demandera aux Gouvernements des Etats américains qui n'auraient pas ratifié la présente Convention ou qui n'y auraient pas adhéré, de bien vouloir rendre un rapport sur cette ratification ou cette adhésion. Ces rapports seront communiqués à tous les autres Gouvernements américains.

ARTICLE 27

Dénonciation

(A) On pourra dénoncer la présente Convention totalement, ou seulement ses Parties Deux et Trois, par une communication adressée au Gouvernement dépositaire. Cette communication prendra effet un an à partir du jour où elle aura été reçue, et seulement pour le Gouvernement qui l'aura signifiée.

(B) Le Gouvernement dépositaire communiquera à tous les Etats américains les dénonciations reçues.

ARTICLE 28

Langues

La présente Convention a été rédigée en espagnol, en anglais, en portugais et en français; ces textes feront également foi.

ARTICLE 29

Accords spéciaux

Les Gouvernements contractants de la Convention interaméricaine de Radio-Communication se réservent le droit d'établir des accords spéciaux ou régionaux, qui ne se rapportent pas aux Gouvernements en général. Cependant ces accords ne devront pas enfreindre les limites de la présente Convention et des autres Règlements qui y sont annexés pour tout ce qui se rapporte à l'interférence qui pourrait résulter de ces accords avec les services des autres pays.

ARTICLE 30

Codification

Dans les prochaines Conférences, toutes les dispositions de la présente Convention et de ses Règlements qui n'auront pas été modifiés, s'incorporeront aux autres règles qui s'y adopteront.

ARTICLE 31

Arbitration

(A) In case of disagreement between two or more contracting governments concerning the execution of the present Convention, the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of one of the governments in disagreement.

(B) Unless the parties in disagreement agree to adopt a procedure already established by bilateral or multilateral treaties concluded among them for the settlement of international disputes or the procedure provided for in Paragraph G of this article, arbitrators shall be appointed in the following manner:—

- (C) (1) The parties shall decide, by mutual agreement, whether the arbitration is to be entrusted to individuals or to governments; failing an agreement on this matter, governments shall be resorted to.
- (2) In case the arbitration is to be entrusted to individuals the arbitrators must not be of the same nationality as any one of the parties concerned in the dispute.
- (3) In case the arbitration is to be entrusted to governments, the latter must be chosen from among the parties adhering to the agreement, the application of which caused the dispute.

(D) The party appealing to arbitration shall be considered as the plaintiff. This party shall designate an arbitrator and notify the opposing party thereof. The defendant must then appoint a second arbitrator, within two months after the receipt of plaintiff's notification.

(E) If more than two parties are involved, each group of plaintiffs or of defendants shall appoint an arbitrator, observing the same procedure as in Paragraph (D).

(F) The two arbitrators thus appointed shall agree in designating an umpire who, if the arbitrators are individuals and not governments, must not be of the same nationality as either of them or either of the parties involved. Failing an agreement of the arbitrators as to the choice of the umpire, each arbitrator shall propose an umpire in no way concerned in the dispute.

Lots shall then be drawn between the umpires proposed. The representative of an American government, not interested in the dispute, selected by the two arbitrators, will draw the lots.

(G) Finally, the parties in dispute shall have the right to have their disagreement settled by a single arbitrator. In this case, either they shall agree on the choice of the arbitrator, or the latter shall be designated in conformity with the method indicated in Paragraph (F).

(H) The arbitrators shall be free to decide on the procedure to be followed.

(I) Each party shall bear the expenses it shall have incurred in the investigation of the dispute. The cost of the arbitration shall be apportioned equally among the parties involved.

In witness whereof, the respective delegates have signed copies of this instrument, one each in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting governments.

Done in the city of Havana, Republic of Cuba, on the 13th day of December, 1937.

ARTICLE 31

Arbitrage

(A) En cas de désaccord entre deux ou plusieurs gouvernements contractants relativement à l'exécution de la présente Convention, le différend, s'il n'est réglé par la voie diplomatique, sera soumis à un jugement arbitral à la demande d'un quelconque des gouvernements en désaccord.

(B) A moins que les Parties en désaccord ne s'entendent pour faire usage d'une procédure déjà établie par des traités (bilatéraux ou multilatéraux), (conclus entre elles pour le règlement des conflits internationaux, ou de celle prévue au paragraphe G du présent article) il sera procédé comme il suit à la désignation des arbitres:

- (C) (1) Les Parties décident, après entente réciproque, si l'arbitrage doit être confié à des personnes ou à des gouvernements; à défaut d'entente, il sera recouru à des gouvernements.
- (2) Dans le cas où l'arbitrage doit être confié à des personnes, les arbitres ne pourront être de la nationalité d'aucune des Parties intéressées dans le différend.
- (3) Dans le cas où l'arbitrage doit être confié à des gouvernements ceux-ci doivent être choisis parmi les Parties adhérentes à l'accord dont l'application a provoqué le différend.

(D) La Partie qui fait appel à l'arbitrage est considérée comme Partie demanderesse. Elle désigne un arbitre et le notifie à la partie adverse. La Partie défenderesse devra alors désigner un second arbitre dans un délai de deux mois, à partir de la date où elle a reçu la communication de la demanderesse.

(E) S'il s'agit de plus de deux Parties, chaque groupe de demandereses ou défenderesses procédera à la nomination d'un arbitre en observant le procédé indiqué par l'alinéa D.

(F) Les deux arbitres ainsi nommés s'entendront pour désigner un surarbitre, qui, si les arbitres sont des personnes et non pas de gouvernements, ne pourra être de la nationalité d'aucun d'eux et d'aucune des Parties. Si les arbitres ne se mettent pas d'accord sur le choix du surarbitre, chaque arbitre propose un surarbitre désintéressé dans le différend.

Il est ensuite tiré au sort entre les surarbitres proposés. Le Délégué d'un Gouvernement américain désintéressé dans le différend, et choisi par les deux arbitres, fera le tirage au sort.

(G) Enfin, les Parties en désaccord ont la faculté de faire juger leur différend par un seul arbitre. Dans ce cas ou bien elles s'entendent sur le choix de l'arbitre, ou bien celui-ci est désigné conformément à la méthode indiquée par l'alinéa F.

(H) Les arbitres arrêtent librement la procédure à suivre.

(I) Chaque Partie supporte les dépenses que lui occasionne l'instruction du différend. Les frais d'arbitrage sont répartis de façon égale entre les Parties en cause.

En foi de quoi les Délégués respectifs ont signé des copies de ce document en espagnol, en anglais, en portugais et en français, lesquelles seront déposées aux archives du Gouvernement de Cuba qui en adressera une copie certifiée en chaque langue aux autres Gouvernements contractants.

Fait à la Havane, République de Cuba, le 13 décembre 1937.

Reservations of Brazil

The Government of the United States of Brazil has authorized the Chief of its Delegation to the First Inter-American Radio Conference to sign "ad-referendum" the International Agreements just adopted by the Conference, under the reservation that the Government of Brazil will only ratify same, in case their provisions are not in conflict with the South American Agreement of Rio Janeiro and its Internal Regulations, nor with any other International Commitments already entered into by the Brazilian Government.

HAVANA, December 13, 1937.

Brazil:

The Brazilian Delegate signs "Ad-Referendum" with the reservations as stated above.

JOSÉ ROBERTO DE MACEDO-SOARES.

Canada:

LAURENT BEAUDRY.

C. P. EDWARDS.

Colombia:

JORGE SOTO DEL CORRAL.

RICARDO GUTIÉRREZ LEE Y RIVERO.

Cuba:

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNÁNDEZ CATÁ Y GALT.

Chile:

EMILIO EDWARDS BELLO.

Dominican Republic:

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

United States of America:

T. A. M. CRAVEN.

Guatemala:

ARTURO CÓBAR L.

Haiti:

JUSTIN BARAU.

Mexico:

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

Nicaragua:

GUILLERMO ARGUEDAS.

Panama:

ERNESTO B. FÁBREGA.

Peru:

CARLOS A. TUDELA.

Uruguay:

CÉSAR GORRI.

Venezuela:

ALBERTO SMITH.

Réserves du Brésil

Le Gouvernement du Brésil a autorisé le Président de sa Délégation à la Première Conférence Interaméricaine de Radio-Communications à signer “ad referendum” les Accords internationaux que cette Conférence vient d’adopter, sous la réserve suivante: le Gouvernement du Brésil ne confirmera ces Accords que si leurs dispositions ne sont pas en désaccord avec l’Accord sud-américain de Rio de Janeiro, avec son Règlement intérieur, avec tout autre engagement international déjà contracté par le Gouvernement brésilien.

LA HAVANE, 13 décembre 1937.

Brésil:

Le Délégué du Brésil signe “ad referendum” avec les réserves indiquées ci-dessus.

JOSÉ ROBERTO DE MACEDO-SOARES.

Canada:

LAURENT BEAUDRY.

C. P. EDWARDS.

Colombie:

JORGE SOTO DEL CORRAL.

RICARDO GUTIERREZ LEE Y RIVERO.

Cuba:

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNÁNDEZ CATÁ Y GALT.

Chili:

EMILIO EDWARDS BELLO.

République Dominicaine:

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

Etats-Unis d’Amérique:

T. A. M. CRAVEN.

Guatemala:

ARTURO CÓBAR L.

Haïti:

JUSTIN BARAU.

Mexique:

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SANCHEZ AYALA.

RUBÉN FUENTES.

Nicaragua:

GUILLERMO ARGUEDAS.

Panama:

ERNESTO B. FÁBREGA.

Pérou:

CARLOS A. TUDELA.

Uruguay:

CÉSAR GORRI.

Venezuela:

ALBERTO SMITH

ANNEX 1

TO THE

INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

Signed in Havana, on December 13th, 1937

**INTERNAL REGULATIONS OF THE INTER-AMERICAN
CONFERENCES**

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ANNEXE 1

À LA

CONVENTION INTERAMÉRICAINNE DE RADIO-COMMUNICATIONS

Signée à la Havane, le 13 décembre 1937

RÈGLEMENT INTÉRIEUR DES CONFÉRENCES INTERAMÉRICAINES DE
RADIO-COMMUNICATIONS

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CHAPTER I

DEFINITIONS

ARTICLE 1

American Governments, Delegates, and Representatives

When in the Inter-American Convention concerning Radiocommunications, of which these Regulations form a part, the words American Governments, Delegates, and Representatives are mentioned, they shall be understood to mean:—

- (a) *American Governments*: the Governments of the States of the American Continent;
- (b) *Delegates*: the persons officially appointed by the participating Governments with sufficient powers to act on their behalf;
- (c) *Representatives*: Members of public or private institutions or bodies, or private individuals, of recognized interest in radiocommunications, who are accredited by a Government to observe the proceedings of the conference; who shall have neither voice nor vote, and who may express their points of view only through the delegation of their respective country.

However, representatives shall have voice, in technical matters, in the committees when expressly authorized to do so by their delegation.

CHAPTER II

ORGANIZATION OF THE CONFERENCE

ARTICLE 2

Officers of the Conference

(a) *Provisional President*.—The organizing Government will appoint the Provisional President who will preside over the inaugural session and continue in office until the Conference has elected its Permanent President.

(b) *Permanent President*.—The Permanent President shall be elected by a majority vote of the Delegations present at the Conference.

(c) *Vice-President*.—Lots shall be drawn at the first session to establish the order of precedence of the Delegations; and the Chairmen of the Delegations shall be Vice-Presidents in this order and act as President in his absence.

(d) *Secretary General*.—The Secretary General of the Conference will be appointed by the organizing Government.

ARTICLE 3

Duties of the Officers

(a) *President*.—The President shall direct the work of the Conference, announce the opening, suspension and adjournment of the meetings of the Conference, accord the right to speak in the order requested, declare the debates to be closed, put the questions to vote, announce the result of the voting, and ensure the observance of the Regulations.

(b) *Vice-President*.—In the absence of the President the Vice-Presidents in the order of precedence established in article 2, paragraph C, will assume and exercise his duties.

CHAPITRE I

DÉFINITIONS

ARTICLE I

Gouvernements américains, délégués et représentants

Lorsque le présent Règlement fera partie d'une Convention Interaméricaine concernant la Radio-communication, et lorsqu'apparaîtront dans le présent Règlement les expressions Gouvernements américains, Délégués et Représentants, on interprétera :

- (a) *Gouvernements américains*.—Comme les Gouvernements des Etats du continent américain.
- (b) *Délégués*.—Comme les personnes qui ont été désignées officiellement par les Gouvernements qui font partie de la Conférence et qui ont reçu de ceux-ci des pouvoirs suffisants pour voter et signer en leur nom.
- (c) *Représentants*.—Comme les membres des institutions ou des organisations publiques ou privées, ou comme les individus spécialement intéressés par la radio-communication, qui sont accredités par un Gouvernement pour observer les travaux des Conférences; ils ne pourront pas prendre part aux débats ni voter, et ne pourront exprimer leurs vues que par l'intermédiaire de la délégation de leurs pays respectifs. Cependant les représentants pourront prendre part aux débats, sur les questions techniques, dans les commissions, lorsqu'ils y seront expressément autorisés par leurs délégations.—

CHAPITRE II

ORGANISATION DES CONFÉRENCES

ARTICLE 2

Fonctionnaires de la conférence

(A) *Président Provisoire*.—Le Gouvernement organisateur désignera le Président provisoire, qui présidera la séance d'inauguration et qui continuera dans l'exercice de ses fonctions jusqu'à ce que la Conférence désigne son Président permanent.

(B) *Président Permanent*.—Le Président Permanent sera élu par une majorité absolue des Délégations présentes à la Conférence.

(C) *Vice-Président*.—Pendant la première séance on tirera au sort l'ordre de préséance des Délégations, et dans le même ordre, les Présidents des Délégations deviendront Vice-Présidents et remplaceront le Président pendant son absence.

(D) *Secrétaire Général*.—Le Secrétaire Général de la Conférence sera désigné par le Gouvernement organisateur.

ARTICLE 3

Attributions des fonctionnaires

(A) *Président*.—Le Président dirigera les travaux de la Conférence ouvrira, suspendra et lèvera les séances; donnera la parole dans l'ordre dans lequel elle aura été demandée; déclarera les discussions closes; mettra les questions aux voix; proclamera les résultats du scrutin et veillera à l'observation des Règlements.

(B) *Vice-Président*.—En cas d'absence du Président, les Vice-Présidents, dans l'ordre de préséance établi par l'article 2, alinéa c) assumeront et exerceront ses fonctions;

(c) *Secretary General*.—The Secretary General is responsible for:—

- (1) The organization, direction and co-ordination of the work of the staff appointed to the Secretariat;
- (2) Receiving and disposing of the official correspondence of the Conference;
- (3) Acting as intermediary between the delegations and the organizing Government in all matters relating to the conference;
- (4) Preparation and circulation of minutes of the meetings and information and documents of the conference and, in accordance with instructions of the President, orders of the day.

(d) *Secretariat*.—The organizing government shall form the Secretariat staff of the Conference under the direction of the Secretary General.

ARTICLE 4

Committees

For the more effective functioning of the Conference, comprehensive study of the subjects forming the agenda and expedition of its work, committees shall be formed, the results of whose labours shall be submitted to the plenary sessions for approval. While the committees to be established may vary to conform to the agenda of the conferences, the following shall represent, in principle, the type of committees to be established:—

- (A) Committee on Initiatives;
- (B) Credentials Committee;
- (C) Technical Committee;
- (D) Juridical and Administrative Committee;
- (E) Drafting Committee.

ARTICLE 5

Membership of Committees

(A) The Committee on Initiatives shall be composed of the Chairmen of the Delegations or their alternates, and shall be presided over by the President of the Conference.

(B) At the first plenary session the Conference, on the proposal of the President, shall appoint a Committee on Credentials of five members.

(C) The remaining committees shall be composed of delegates in accordance with assignments made by the chairmen of the respective delegations and submitted to the permanent president. Representatives may attend and participate in the meetings of the committees in accordance with assignments made by their respective delegation chairmen and in conformity with article 1-(C).

(D) The committees may invite to participate in their work individuals or juridical persons whose advice or statements may be considered to be of value.

ARTICLE 6

Organization of Committees

(A) Each committee shall, at its organization meeting, be presided over by the permanent president of the conference and at that meeting shall choose from among its members a chairman and a vice-chairman.

(B) The chairman of each committee may appoint one or more reporters.

(C) Each committee may appoint such special sub-committees as it may deem desirable.

(C) *Secrétaire Général*.—Le Secrétaire Général aura les attributions suivantes:

- (1) Organiser, diriger et coordonner le travail du personnel désigné pour le Secrétariat;
- (2) Recevoir la correspondance officielle de la Conférence et lui faire suivre son cours.
- (3) Etre l'intermédiaire entre les Délégations et le Gouvernement organisateur, pour tous les sujets relatifs à la Conférence;
- (4) Préparer et distribuer les compte-rendus des séances, ainsi que l'information et les documents de la Conférence et d'accord avec les instructions du président, rédiger les ordres-du-jour.

(D) *Secrétariat*.—Le Gouvernement organisateur désignera le personnel du Secrétariat de la Conférence qui se placera sous la direction du Secrétaire Général.

ARTICLE 4

Des commissions

Des commissions seront organisées pour un plus efficace fonctionnement de la Conférence, pour une étude plus approfondie des thèmes de son programme et pour la simplification de ses travaux.—Les commissions soumettront le résultat de leurs travaux à l'approbation des séances plénières de la conférence. Il pourra y avoir plusieurs commissions pour mieux s'adapter au programme, mais en principe, les commissions suivantes représentent les types de commissions qui devront être établies:

- (a) D'initiatives;
- (b) De vérification de pouvoirs;
- (c) Technique;
- (d) Juridique-administrative; et
- (e) De rédaction.

ARTICLE 5

Membres des commissions

(A) La commission d'initiative sera composée par les présidents des délégations ou par leurs substituts, et devra être présidée par le président de la conférence;

(B) Pendant la première séance plénière, la conférence, sous la proposition de son président, élira une commission de vérification de pouvoirs composée de cinq membres;

(C) Les autres commissions seront composées par des délégués d'accord avec les désignations faites par les présidents de leurs délégations respectives, et communiquées au président permanent. Les représentants pourront assister et participer aux séances des commissions d'accord avec les assignations faites par les présidents de leurs délégations respectives, et conformément à l'article 1 c).—

(D) Les commissions peuvent inviter pour collaborer à leur travaux des spécialistes ou juristes dont les conseils ou les rapports peuvent être considérés comme ayant une grande valeur.

ARTICLE 6

Organisation des commissions

(A) Chaque commission sera présidée, pendant sa séance d'organisation par le président permanent de la conférence, et on y élira entre ses membres, son président et son vice-président;

(B) Le président de chaque commission pourra désigner un ou plusieurs rapporteurs.

(C) Chaque commission pourra créer toutes les sous-commissions qu'elle juge nécessaires.

ARTICLE 7

Duties of Committees

(A) *The Committee on Initiatives* shall co-ordinate the business of the conference, rule upon questions of policy as related to the conference, resolve matters referred to it by other committees or the secretariat, decide by two-thirds majority of the votes cast on new matters presented by the delegations, which should be considered by the conference, and advise the permanent president particularly with respect to matters not comprehended by these internal regulations.

(B) *The Credentials Committee* shall examine the credentials submitted by members of delegations, ascertain that they are in good and proper form and report without delay to the conference.

(C) *The Technical Committee* shall have charge of the study of all technical phases of radiocommunication and all matters involving engineering practices included in conference agenda.

(D) *The Juridical and Administrative Committee* shall have charge of the study of all legal phases of the agenda subjects as well as of all matters of an essentially administrative character. In its legal character it shall pass upon the final terminology to be used in all agreements or resolutions pertaining, not only to matters within its immediate jurisdiction, but to all material emanating from other committees of the conference.

(E) *The Drafting Committee* shall be entrusted with the final drafting of conference agreements and resolutions, without altering their sense, for the purpose of ensuring against duplication or repetition in which event the material shall be referred to the committee of origin for correction.

(F) *The reporters of the committees* shall:—

- (a) Open the discussion of the questions under consideration and submit reports containing the facts and an analysis of the various aspects of the questions; those reports shall serve as the basis for discussion,
- (b) At the end of the discussions make summaries of the debates in a report, and draft, in accordance with the opinion of the majority of each committee, the projects which, upon approval by the committee, will be submitted to the conference,
- (c) The minority in any committee shall have the right to appoint a reporter who shall submit to the conference the opinions of the minority and the projects drafted by the latter.

CHAPTER III

OFFICIAL LANGUAGES

ARTICLE 8

Spanish, English, Portuguese, French

The official languages of the conferences shall be Spanish, English, Portuguese and French. The organizing government shall take appropriate measures to insure fulfilment of this provision.

ARTICLE 7

Fonctions des commissions

(A) *La commission d'initiatives* coordonnera les travaux de la conférence; tranchera les questions d'ordre intérieur concernant la conférence et celles qui lui seront présentées par les autres commissions ou par le secrétariat; elle prendra des résolutions par deux tiers de majorité, sur les nouveaux sujets du ressort de la conférence, qui seront présentés par les délégations et surtout conseillera le président permanent pour tous les sujets non inclus dans le présent règlement intérieur.

(B) *La commission de vérification de pouvoirs* examinera les pouvoirs présentés par les membres de délégations, s'assurera qu'ils sont en bonne et due forme, et en fera, sans délai, rapport à la conférence;

(C) *La commission technique* se chargera de l'étude de tous les aspects techniques concernant la radio-communication, et de toutes les autres matières comprises dans le programme de la conférence au sujet de la technique.

(D) *La commission juridique-administrative* se chargera de l'étude de tous les aspects juridiques des sujets du programme ainsi que de tous les sujets qui ont un caractère essentiellement administratif. Comme commission juridique elle fixera le lexique définitif que devra être employé pour tous les accords ou résolutions, concernant non seulement les sujets qui se trouvent directement sous sa juridiction, mais encore tous les autres sujets qui émanent des autres commissions de la conférence.

(E) *La commission de rédaction* se chargera de la rédaction définitive des Accords et Résolutions de la Conférence, sans altérer leur sens, dans le but de prévenir les répétitions ou duplications; dans ce cas les documents seront remis à la Commission d'origine pour être corrigés.

(F) *Les rapporteurs des Commissions:*

- (a) Ouvriront la discussion des sujets en étude et présenteront des rapports contenant les antécédents et une analyse des divers aspects des sujets; ces rapports serviront de base à la discussion.
- (b) Une fois close la discussion, les débats seront résumés dans un rapport, et on rédigera d'accord avec la majorité de chaque Commission un projet qui, une fois approuvé par la Commission, sera soumis à la Conférence.
- (c) La minorité de n'importe quelle commission aura le droit de désigner un rapporteur qui exposera à la Conférence les opinions de la minorité et les projets rédigés par celle-ci.

CHAPITRE III

LANGUES OFFICIELLES

ARTICLE 8

Espagnol, anglais, portugais et français

Les langues officielles seront l'espagnol, l'anglais, le portugais et le français. Le Gouvernement organisateur prendra toutes les mesures nécessaires pour assurer l'accomplissement de cette disposition.

CHAPTER IV

QUORUM AND VOTING

ARTICLE 9

Quorum

A majority of the delegations of the Conference must be in attendance, represented by one or more of their Delegates, in order to have a quorum at the plenary sessions of the conference.

A majority of the Delegations must be in attendance, represented by some of their delegates in order to have a quorum at committee meetings.

ARTICLE 10

Voting

(A) Voting shall be on the basis of only one vote for each State having the following qualifications:—

- I. a permanent population;
- II. a defined territory;
- III. government;
- IV. capacity to enter into relations with other States.

Countries or territories not possessing these qualifications may have voice but no vote in the conferences, but agreements resulting from the conferences shall be opened for their adherence through the medium of their respective home governments.

(B) The vote of each delegation shall, in plenary sessions and committee meetings, be cast by the delegation chairman or other member acting in his behalf.

(C) The vote may be taken by delegates rising in their seats, or in any other agreed manner. But at the request of any delegation, or by decision of the chairman, the vote must take place by “calling the roll” in the alphabetical order of the names of their respective states as expressed in the Spanish language.

(D) Propositions and amendments will be adopted only when they obtain a majority of the votes cast. In case of a tie vote, they will be considered rejected.

CHAPTER V

PROCEDURE

ARTICLE 11

Plenary Sessions

(A) The inaugural session of the conference shall be held at the time and place designated by the organizing government, and the further sessions on such days as the Conference may determine.

(B) Upon the convening of a plenary session, the minutes of the preceding meeting, except in the case of the inaugural plenary session, will be read and submitted for approval, unless by unanimous consent the assembly of the delegations agrees to omit this reading.

(C) The minutes of the Plenary Sessions will be drafted by the staff of the General Secretariat, only the opinions and propositions with their fundamentals, in a brief form, will appear in the minutes, together with a brief statement of the debates.

Any Delegate may, however, request the insertion “in extenso” in the minutes of any declaration he has expressed; but in this case, he shall furnish the Secretariat with the corresponding text immediately after the closing of the Plenary Session.

CHAPITRE IV

QUORUM ET VOTATION

ARTICLE 9

Quorum

Pour qu'il y ait quorum dans les Séances Plénières de la Conférence, la majorité des Délégations devra être présente; un ou plusieurs délégués pourront représenter chaque Délégation.

Pour qu'il y ait quorum dans les séances des commissions la majorité des Délégations devra être présente. Chaque Délégation pourra être représentée par un ou plusieurs délégués.

ARTICLE 10

Votation

(A) La votation se fera sur la base d'une seule voix par Etat qui réunisse les conditions suivantes:

- I. Une population permanente.
- II. Un territoire déterminé.
- III. Un gouvernement.
- IV. La capacité pour engager des relations avec les autres Etats.

Les pays ou territoires qui ne réuniront pas ces conditions pourront prendre part aux débats mais non pas voter dans les Conférences; mais ils pourront s'adhérer aux accords, qui résultent de ces Conférences, par l'intermédiaire de leurs Gouvernements métropolitains respectifs.

(B) Le Président de la Délégation ou le membre qui le représente, devra voter au nom de chaque Délégation dans les Séances Plénières et dans les séances des Commissions.

(C) Les délégués voteront en se levant ou de toute autre manière convenue. Mais à la demande d'une délégation quelconque ou par décision du Président, la votation devra se faire par l'appel nominal dans l'ordre alphabétique des noms des pays respectifs, établi en espagnol.

(D) Les propositions et modifications ne seront adoptées qu'une fois obtenue la majorité des voix. En cas d'égalité des voix elles seront considérées comme non acceptées.

CHAPITRE V

PROCÉDURE

ARTICLE 11

Séances plénières

(A) La séance d'inauguration de la Conférence aura lieu au jour et lieu fixés par le Gouvernement organisateur, et les autres séances auront lieu aux dates fixées par la Conférence.

(B) Quand une séance plénière aura lieu, on lira, pour les soumettre à son approbation, les comptes rendus des séances antérieures, excepté celui de la séance d'inauguration, à moins que, par unanimité, les Délégations conviennent d'omettre cette lecture.

(C) Les comptes rendus des séances plénières seront rédigés par le personnel du Secrétariat général. Les opinions et les propositions avec leurs arguments, n'apparaîtront que sous forme résumée dans les comptes rendus des séances, avec une relation sommaire des débats.

Tout délégué cependant, pourra demander l'insertion complète dans le compte rendu, de toute déclaration qu'il ait faite mais dans ce cas il fournira au Secrétariat, aussitôt close la Séance Plénière, le texte correspondant.

(D) The delegates may submit to the conference their opinions in writing on matters under discussion, and request that they be added to the minutes of the session or meeting at which they are submitted.

(E) The Plenary sessions of the conference shall be of a public character. On motion of any delegate the sessions may be declared private by a majority vote. Such motion shall have precedence and is not debatable.

(F) By a vote of two-thirds of the delegations present the conference may dispense with the usual procedure and proceed to consider a question except in the case of new matter, when the rules of procedure promulgated in article 13 shall, under all circumstances, be observed.

(G) Amendments shall be submitted for discussion and be voted upon before the motion which they purport to amend.

(H) The minutes of plenary sessions shall be signed by the President and Secretary General.

(I) At the closing plenary session the agreements and resolutions adopted by the different committees of the Conference shall be signed, and the country and date of the next conference shall be designated.

ARTICLE 12

Committee Meetings

(a) The procedure for Plenary Sessions shall also be followed in the committee meetings as far as practicable.

(b) Minutes of the committee meetings shall be signed by the Chairman and Secretary.

CHAPTER VI

NEW MATTER

ARTICLE 13

Rules of Procedure

If any delegation should propose a topic not included in the agenda, for the consideration of the conference, the new matter should be referred to the Committee on Initiatives and after a report is submitted and accepted by a vote of two-thirds of the delegations at the conference, it shall be referred to the appropriate committee.

(D) Les Délégués pourront présenter à la Conférence, par écrit, leurs opinions sur les sujets en discussion et solliciter qu'elles soient ajoutées aux comptes rendus des séances où elles ont été faites.

(E) Les séances plénières de la Conférence seront ouvertes au public. A la demande de n'importe quel délégué les séances peuvent être déclarées secrètes, si cette proposition obtient une majorité de voix. Cette proposition sera considérée comme ayant une préséance, et ne sera pas discutée.

(F) La Conférence pourra ne pas observer le procédé d'usage et passer à la considération d'un sujet, par une majorité des deux tiers des Délégations présentes, excepté quand il s'agira d'un nouveau sujet; dans ce dernier cas les règles de procédé qui apparaissent dans l'article 13, seront toujours suivies.

(G) Les modifications seront présentées pour être discutées et mises aux voix avant la proposition qu'on veut modifier.

(H) Les comptes rendus des séances plénières devront être signés par le Président et par le Secrétaire Général.

(I) Dans la séance plénière de clôture, les accords et résolutions adoptés par les différentes commissions de la Conférence seront signés, et on signalera le pays où se réunira la prochaine Conférence ainsi que la date de son inauguration.

ARTICLE 12

Séances des commissions

(A) La procédure concernant les séances plénières sera autant que possible, suivie dans les séances des commissions.

(B) Les comptes rendus des commissions devront être signés par le Président et par le Secrétaire.

CHAPITRE VI

NOUVEAUX SUJETS

ARTICLE 13

Règles de procédure

Si une Délégation soumet à la considération de la Conférence un sujet non inclus dans son programme, le nouveau sujet sera soumis pour être étudié à la Commission d'initiatives, et après la présentation et l'approbation d'un rapport par une majorité des deux tiers des Délégations de la Conférence, il sera remis à la Commission compétente.

ANNEX 2

INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

Signed at Havana on December 13th, 1937

INTERNAL REGULATIONS FOR THE INTER-AMERICAN RADIO OFFICE
(O.I.R.)

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ANNEXE 2

À LA

CONVENTION INTERAMÉRICAINNE DE RADIO-COMMUNICATIONS

Signé à la Havane, le 13 décembre 1937

RÈGLEMENT INTÉRIEUR DU BUREAU INTERAMÉRICAIN DE RADIO-COMMUNICATIONS (O.I.R.)

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ARTICLE 1

Administration

The Inter-American Radio Office shall be in charge of a Director who shall be appointed by the Inter-American Radio Conference on the recommendation of a special committee thereof.

ARTICLE 2

First Director

The first Director shall be appointed by the Government of Cuba.

ARTICLE 3

Appointment of Staff

The Director shall appoint such competent assistants and staff, including interpreters and translators, as may be required for the work of the office.

ARTICLE 4

Budget

The Director shall submit annually to the government of the country where the office is established a draft budget of revenues and expenditures for the ensuing year. When the budget has been approved by the aforesaid government it shall be communicated to the other participating governments with a statement of the amount that each is to pay, pursuant to the quota established in Article 7.

ARTICLE 5

Salaries of the Staff

The salaries of the personnel of the office shall not exceed two-thirds of the annual budget.

ARTICLE 6

Accounts

The Director shall be charged with the collection and disbursement of the funds of the office. He shall submit to the government where the office is established a monthly report of receipts and expenditures and a semi-annual report on the general accounts of the administration. After examining the latter the said government shall submit them to the ensuing Conference for consideration.

ARTICLE 1

Administration

Le Bureau interaméricain de Radio-Communications sera administré par un Directeur qui sera désigné par la Conférence Interaméricaine de Radio-Communication sur la proposition d'une commission spéciale de la même Conférence.

ARTICLE 2

Premier directeur

Le premier Directeur sera désigné par le Gouvernement cubain.

ARTICLE 3

Désignation du personnel du bureau

Le Directeur désignera les auxiliaires et les fonctionnaires compétents, y compris les interprètes et les traducteurs dont il soit besoin pour les travaux du Bureau.

ARTICLE 4

Budget

Le Directeur présentera annuellement au Gouvernement du pays au siège du Bureau, un projet de budget de dépenses et de recettes, pour l'année suivante.

Une fois que ce budget aura été approuvé par le Gouvernement en question, il sera communiqué aux autres Gouvernements participants en leur indiquant la contribution qui leur correspond individuellement d'accord avec la distribution faite par l'article 7.

ARTICLE 5

Traitement du personnel

Les traitements du personnel du Bureau ne devront pas dépasser les deux tiers du budget annuel.

ARTICLE 6

Comptes

Le Directeur aura à sa charge la perception et l'emploi des fonds du Bureau.

Il devra présenter mensuellement au Gouvernement du pays siège du Bureau, un compte rendu des recettes et des dépenses; et, tous les six mois, les comptes généraux de l'administration.

Ce Gouvernement, après les avoir examinées, les soumettra à la considération de la Conférence suivante.

ARTICLE 7

Contributions to O.I.R.

In accordance with Article 8 (b) of the Convention the contribution of the States of the American continent will be assigned under the following categories:

Category	I	II	III	IV	V	VI
Units	25	20	15	10	5	3
States	Argentina, Canada United States of America		Brazil Mexico	Cuba	Colombia Chile Peru Venezuela	Bolivia Costa Rica Dominican Republic Ecuador Guatemala Haiti Honduras Nicaragua Panama Paraguay Salvador Uruguay

ANNEX 3

TO THE

INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

Signed in Havana on December 13, 1937

DEFINITION OF ZONES

For the purpose of Article 11, paragraph D, of the Inter-American Radio-communications Convention, it shall be understood that:—

Northern Zone, is that which comprises the countries located to the North of Guatemala and North of the Southern coast of the Dominican Republic and Haiti;

Central Zone, is that which comprises the countries or portions of countries located South of Mexico and the Southern coast of the Dominican Republic and Haiti and extending to parallel 5° of South latitude;

Southern Zone, is that which comprises the countries or portions of countries to the South of parallel 5° of the South latitude.

ARTICLE 7

Contribution pour l'O.I.R.

D'accord avec l'article 8 (b) de la Convention, les contributions des Etats du continent Américain seront les suivantes:

Catégorie	I	II	III	IV	V	VI
Unités	25	20	15	10	5	3
Pays	Argentine Canada Etats-Unis d'Amérique		Brésil Mexique	Cuba	Colombie Chili Pérou Venezuela.	Bolivie Costa-Rica République Dominicaine Equateur Guatemala Haïti Honduras Nicaragua Panama Paraguay Salvador Uruguay.

ANNEXE 3

À LA

CONVENTION INTERAMÉRICAINNE DE RADIO-COMMUNICATIONS**DÉFINITIONS DES ZONES**

Pour les fins de l'article 11, alinéa D de la Convention interaméricaine de Radio-Communications, on entendra par:

Zone septentrionale: la zone qui comprend les pays situés au nord du Guatemala et au nord de la côte sur des Républiques d'Haïti et de St-Domingue.

Zone centrale: la zone qui comprend les pays et fractions de pays, situés au sud du Mexique et de la côte sud des Républiques de Haïti et de Saint-Domingue, et s'étendant jusqu'au parallèle 5° latitude sud.

Zone méridionale: la zone qui comprend les pays et fractions de pays, situés au sud du parallèle 5° latitude sud.

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CANADA
—
TREATY SERIES, 1938
No. 19

CONVENTION

CONCERNING THE
TRANSFER TO THE FRENCH STATE OF THE
PROPERTY IN THE SITE OF BRITISH
MONUMENTS COMMEMORATIVE
OF THE WAR 1914-1918

BETWEEN

THE GOVERNMENTS OF THE UNITED KINGDOM,
CANADA, THE COMMONWEALTH OF AUSTRALIA
AND NEW ZEALAND

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

Signed at Paris December 28, 1938

—
IN FORCE DECEMBER 28, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

CONVENTION

CONCERNING THE

TRANSFER TO THE FRENCH STATE OF THE PROPERTY
IN THE SITE OF BRITISH MONUMENTS
COMMEMORATIVE OF THE WAR
1914-1918

Signed at Paris December 28, 1938

CONVENTION

CONCERNANT LE

TRANSFERT À L'ÉTAT FRANÇAIS DE LA PROPRIÉTÉ
DES EMPLACEMENTS DES MONUMENTS BRITAN-
NIQUES COMMÉMORATIFS DE LA GUERRE
1914-1918

Signée à Paris le 28 décembre 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

CONVENTION CONCERNING THE TRANSFER TO THE FRENCH STATE OF THE PROPERTY IN THE SITE OF BRITISH MONUMENTS COMMEMORATIVE OF THE WAR 1914-1918.

The Government of the French Republic, represented by Monsieur l'Intendant Général Pierre Vincensini, Commander of the Legion of Honour, K.B.E., Chief of the Services de l'Etat-Civil et des Sépultures Militaires at the Ministère des Anciens Combattants et Pensionnés, *of the one part*, and the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia and New Zealand, represented by Major-General Sir Fabian Arthur Goulstone Ware, K.C.V.O., K.B.E., etc., Vice-Chairman of the Imperial War Graves Commission recognised by the Anglo-French Agreement signed in PARIS on the 26th November 1918, *of the other part*;

Being of opinion that it is expedient to provide for the transfer to the French State of the lands on which have been erected by the above-named Governments, parties hereto of the other part, as also by the Government of Newfoundland, by military units or private individuals here represented by one or other of the said Governments, or on behalf of the said Governments, military units or individuals, military monuments commemorative of the War of 1914-1918; and

Recognising that it is necessary to define and provide for the rights and privileges which the said Governments, military units and individuals shall hereafter enjoy in respect of the said monuments;

have agreed as follows:

ARTICLE 1

The Government of the French Republic (Minister of National Defence and War) acquires the immovable properties of which the Governments of the United Kingdom, Canada, the Commonwealth of Australia and New Zealand, as also the Government of Newfoundland, military units or private individuals have become the owners by virtue of anterior deeds of sale or gift, with a view to the erection of the commemorative monuments before-mentioned.

Such transfer is made in consideration of the lump sum of one franc which shall be paid by the Representative of the Government of the French Republic to the Secretary-General of the Anglo-French Mixed Committee.

The immovable properties thus acquired by the French Government are the following:

Plot of land belonging to the Government of the United Kingdom of Great Britain and Northern Ireland appropriated to the purpose of the Monument to the 36th Division and situated at

<i>Commune</i>	<i>Department</i>
Thiepval.. . . .	Somme

Plots of land belonging to the Canadian Government appropriated to the purpose of the Monuments erected by the said Government and situated at

<i>Commune</i>	<i>Department</i>
Bourlon.. . . .	Pas-de-Calais
Dury.. . . .	" "
Thélus (Bois-Carré).. . . .	" "
Courcelette.. . . .	Somme
Le Quesnel.. . . .	"

CONVENTION CONCERNANT LE TRANSFERT À L'ÉTAT FRANÇAIS DE
LA PROPRIÉTÉ DES EMPLACEMENTS DES MONUMENTS
BRITANNIQUES COMMÉMORATIFS DE LA
GUERRE 1914-1918.

Le Gouvernement de la République française, représenté par Monsieur l'Intendant Général Pierre Vincensini, Commandeur de la Légion d'Honneur, K.B.E., Chef des Services de l'Etat-Civil et des Sépultures Militaires au Ministère des Anciens Combattants et Pensionnés, *d'une part*, et les Gouvernements du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, du Canada, du Commonwealth d'Australie et de la Nouvelle-Zélande représentés par le Major-Général Sir Fabian Arthur Goulstone Ware, K.C.V.O., K.B.E., etc., Vice-Chairman de la Commission Impériale des Sépultures Militaires Britanniques reconnue par l'accord franco-britannique signé à PARIS, le 26 novembre 1918, *d'autre part*;

Etant d'avis qu'il convient d'assurer le transfert à l'Etat français des terrains sur lesquels ont été érigés par les Gouvernements énumérés d'autre part, ainsi que par le Gouvernement de Terre-Neuve, par les unités militaires ou des particuliers ici représentés par l'un ou l'autre desdits Gouvernements, ou de la part desdits Gouvernements, unités ou particuliers, des monuments militaires commémoratifs de la Guerre 1914-1918; et

Reconnaissant qu'il est nécessaire de définir et d'assurer les droits et privilèges qu'auraient ensuite lesdits Gouvernements, unités militaires et particuliers à l'égard desdits monuments;

Sont convenus des dispositions suivantes:

ARTICLE PREMIER

Le Gouvernement de la République française (Ministère de la Défense Nationale et de la Guerre) acquiert les immeubles dont les Gouvernements du Royaume-Uni, du Canada, du Commonwealth d'Australie et de la Nouvelle-Zélande ainsi que le Gouvernement de Terre-Neuve, les unités militaires ou les particuliers sont devenus eux-mêmes propriétaires, en vertu d'actes de vente ou de donation précédemment réalisés en vue de l'érection des monuments commémoratifs précités.

Cette cession est faite moyennant la somme globale de un franc qui sera versée par le Représentant du Gouvernement de la République française au Secrétaire Général du Comité mixte franco-britannique.

Les immeubles dont le Gouvernement français acquiert ainsi la propriété sont les suivants:

Terrain appartenant au Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord affecté au Monument de la 36° Division et sis à

<i>Commune</i>	<i>Département</i>
Thiepval.. . . .	Somme

Terrains appartenant au Gouvernement canadien affectés aux Monuments érigés par ledit Gouvernement et sis à

<i>Commune</i>	<i>Département</i>
Bourlon.. . . .	Pas-de-Calais
Dury.. . . .	" "
Thélus (Bois Carré).. . . .	" "
Courcellette.. . . .	Somme
Le Quesnel.. . . .	"

Plots of land belonging to the Australian Government appropriated to the purpose of the Monuments erected by the said Government and situated at

<i>Commune</i>	<i>Department</i>
Fouilloy..	Somme
Pozières..	"
Sailly-le-Sec..	"
Pontruet..	Aisne

Plot of land belonging to the New Zealand Government appropriated to the purpose of the Monument erected by the said Government and situated at

<i>Commune</i>	<i>Department</i>
Longueval..	Somme

Plots of land belonging to the Newfoundland Government appropriated to the purpose of the Monuments erected by the said Government and situated at

<i>Commune</i>	<i>Department</i>
Gueudecourt..	Somme
Masnières..	Nord
Monchy-le-Preux..	Pas-de-Calais

Plots of land belonging to the following military units or to individuals nominated by them and appropriated to the Monuments erected by the said units:

<i>Unit</i>	<i>Commune</i>	<i>Department</i>
II Corps.. situated at	Le Câteau..	Nord
Royal Tank Corps..	" " Contalmaison..	Somme
Guards Division..	" " Ginchy..	"
9th (Scottish) Division..	" " Athies-lès-Arras..	Pas-de-Calais
12th Division..	" " Monchy-le-Preux..	" "
12th "	" " Epéhy..	Somme
18th "	" " Bois des Trônes (or Bois d'Estrons)..	"
20th "	" " Guillemont..	"
34th "	" " Ovillers-La-Boisselle..	"
34th "	" " Boeschêpe (Mont-Noir)	Nord
37th "	" " Monchy-le-Preux..	Pas-de-Calais
42nd "	" " Trescault..	" "
46th "	" " Vermelles..	" "
47th "	" " Longueval (Bois des Fourraults)..	Somme
55th "	" " Givenchy-lès-La-Bassée	Pas-de-Calais
King's Royal Rifle Corps..	" " Pozières..	Somme
Seaforth Highlanders	" " Fampoux..	Pas-de-Calais

ARTICLE 2

The Government of the French Republic (Military of National Defence and War) may also acquire all or any of the immovable properties enumerated in the third paragraph of the present Article, of which the Governments mentioned in Article 1, military units or private individuals have become the owners under the conditions contemplated in that Article.

Such transfer shall follow automatically upon notification to be given by the Secretary-General of the Anglo-French Mixed Committee to the Representative of the French Government. It shall be affected in consideration of the sum of one franc for each immovable property, or group of immovable properties.

Terrains appartenant au Gouvernement australien affectés aux Monuments érigés par ledit Gouvernement et sis à

<i>Commune</i>	<i>Département</i>
Fouilloy..	Somme
Pozières..	"
Sailly-le-Sec..	"
Pontruet..	Aisne

Terrain appartenant au Gouvernement néozélandais affecté au Monument érigé par ledit Gouvernement et sis à

<i>Commune</i>	<i>Département</i>
Longueval..	Somme

Terrains appartenant au Gouvernement de Terre-Neuve affectés aux Monuments érigés par ledit Gouvernement et sis à

<i>Commune</i>	<i>Département</i>
Gueudecourt..	Somme
Masnières..	Nord
Monchy-le-Preux..	Pas-de-Calais

Terrains appartenant aux unités militaires suivantes ou aux particuliers désignés par eux et affectés aux monuments érigés par lesdites unités:

<i>Unité</i>	<i>Commune</i>	<i>Département</i>
II ^e Corps.. sis à	Le Cateau..	Nord
Royal Tank Corps..	Contalmaison..	Somme
Guards Division..	Ginchy..	"
9 ^e Division (Ecossaise)	Athies-lès-Arras..	Pas-de-Calais
12 ^e "	Monchy-le-Preux..	" "
12 ^e "	Epéchy..	Somme
18 ^e "	Bois des Trônes (ou Bois d'Es- trons)	"
20 ^e "	Guillemont..	"
34 ^e "	Ovillers-la-Boiselle..	"
34 ^e "	Boeschêpe (Mont Noir)..	Nord
37 ^e "	Monchy-le-Preux..	Pas-de-Calais
42 ^e "	Trescault..	" "
46 ^e "	Vermelles..	" "
47 ^e "	Longueval (Au Bois des Four- raults)	Somme
55 ^e "	Givenchy-lès-La-Bassée..	Pas-de-Calais
Régiment du King's Royal Rifle Corps..	Pozières..	Somme
Régiment des Seaforth Highlanders..	Fampoux..	Pas-de-Calais

ARTICLE 2

Le Gouvernement de la République française (Ministère de la Défense Nationale et de la Guerre) pourra également acquérir tout ou partie des immeubles énumérés à l'alinéa 3 du présent article et dont les Gouvernements mentionnés à l'article premier, les unités militaires ou les particuliers sont devenus eux-mêmes propriétaires dans les conditions prévues audit article.

Cette cession résultera du simple avis qui sera donné par le Secrétaire Général du Comité mixte franco-britannique au Représentant du Gouvernement français. Elle sera effectuée moyennant la somme de un franc pour chaque immeuble ou groupe d'immeubles.

The immovable properties to which such transfer may be applied are the following:

Plot of land belonging to the Australian Government appropriated to the purpose of the Monument erected by the said Government and situated at

<i>Commune</i>	<i>Department</i>
Pozières (plot containing the site of the old Windmill)	Somme

Plot of land belonging to the Government of Newfoundland appropriated to the Monument erected by the said Government and situated at

<i>Commune</i>	<i>Department</i>
Beaumont-Hamel ("Newfoundland Memorial Park")	Somme

It is to be observed that the transfer comprises the whole "Newfoundland Memorial Park" containing, besides the Newfoundland Memorial and the Monuments to the 29th and 51st Divisions, three British War Cemeteries, that is to say:

"Y" Ravine British Cemetery.
Hunter's British Cemetery.
Hawthorn Ridge (No. 2) British Cemetery.

Plot of land forming the site of the Monument to the men of Hull, Yorkshire, England, situated at

<i>Commune</i>	<i>Department</i>
Oppy (Bois d'Oppy)	Pas-de-Calais

Plots of land forming the sites of Monument erected by the following military units:

<i>Unit</i>	<i>Commune</i>	<i>Department</i>
18th Division.	situated at Thiepval and Ahthuille . .	Somme
19th Division.	" " Sarcy (Montagne de Bligny)	Marne
46th "	" " Bellenglise	Aisne
62nd "	" " Havrincourt	Pas-de-Calais
63rd "	" " Beaucourt-sur-Ancre . .	Somme
Argyll & Sutherland Highlanders	" " Beaumont-Hamel	"
Devonshire Regiment	" " La Ville-aux-Bois-lès-Pontavert	Aisne
The Loyal (North Lancashire) Regiment	" " Vendresse-et-Troyon	"

ARTICLE 3

The conveyance (remise) to the French State of the immovable properties referred to in the preceding Articles shall be evidenced, in the case of each group of immovable properties, by a procès-verbal bearing the signatures of the Secretary-General of the Anglo-French Mixed Committee of the said Commission and of the official authorized in that behalf by the Ministry of National Defence and War of the French Republic.

Les immeubles sur lesquels pourra porter cette cession sont les suivants:
Terrain appartenant au Gouvernement australien affecté au Monument érigé par
ledit Gouvernement et sis à

<i>Commune</i>	<i>Département</i>
Pozières (terrain contenant la liste de l'ancien Moulin-à-vent)	Somme

Terrain appartenant au Gouvernement de Terre-Neuve affecté au Monument
érigé par ledit Gouvernement et sis à

<i>Commune</i>	<i>Département</i>
Beaumont-Hamel ("Newfoundland Me- morial Park")	Somme

Il est à observer que la cession comprend l'entier "Newfoundland Memorial
Park" contenant, outre le Monument de Terre-Neuve et les Monuments des 29^e
et 51^e Divisions, trois cimetières de guerre britanniques, à savoir:

"Y" Ravine British Cemetery.
Hunter's British Cemetery.
Hawthorn Ridge (No 2) British Cemetery.

Terrain servant d'emplacement au Monument des enfants de la ville de Hull,
Yorkshire, Angleterre, sis à

<i>Commune</i>	<i>Département</i>
Oppy (Bois d'Oppy)	Pas-de-Calais

Terrains servant d'emplacement aux Monuments érigés par les Unités militaires
suivantes:

<i>Unité</i>	<i>Commune</i>	<i>Département</i>
18 ^e Division	sis à Thiepval et Authuille	Somme
19 ^e "	" " Sarcy (Montagne de Bligny) . .	Marne
46 ^e "	" " Bellenglise	Aisne
62 ^e "	" " Havrincourt	Pas-de-Calais
63 ^e "	" " Beaucourt-sur-Ancre	Somme
Régiment "Argyll & Su- therland Highlanders" . .	" " Beaumont-Hamel	Somme
Régiment "Devonshire" . .	" " La Ville-aux-Bois-lès-Pontavert	Aisne
Régiment "The Loyal (North Lancashire)" . .	" " Vendresse-et-Troyon	

ARTICLE 3

La remise à l'Etat français des immeubles visés aux Articles précédents sera
constatée, pour chaque ensemble d'immeubles, par un procès-verbal revêtu des
signatures du Secrétaire Général du Comité mixte Franco-Britannique de ladite
Commission et du fonctionnaire à ce délégué par le Ministère de la Défense
Nationale et de la Guerre de la République française.

ARTICLE 4

Prior to the signature of each procès-verbal evidencing conveyance, authority for the erection of a monument upon the land, the subject of the conveyance, must in each case have been given by decree, in conformity with the procedure established by the Décret of November 18th 1922, and upon the prior application of the Secretary-General of the said Mixed Committee.

ARTICLE 5

The Government of the French Republic declares that it grants free of charge and in perpetuity

- (a) to each of the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia and New Zealand as also to the Government of Newfoundland, as regards the immovable property or properties previously acquired in its name or on its behalf; and
- (b) to the said Imperial War Graves Commission, as representative of the military units or individuals concerned, as regards the immovable properties previously acquired by the said military units or individuals respectively;

the use and enjoyment of the immovable properties, the subject of this Convention, it being understood that in either case the said immovable properties shall remain exclusively appropriated to the purpose of the commemorative monuments at present erected on them, the supervision and maintenance of which it will be for the said Commission to assure.

The foregoing grant shall not, however, result in preventing the execution of public works in respect of which a declaration of "utilité publique" shall have been made and the undertaking (emprise) of which affects directly or otherwise the lands granted; in which event, the said Commission shall be invited to consult with the French Government in order to determine the measures that it may be necessary to take.

ARTICLE 6

The immovable properties, of which the use and enjoyment are granted by virtue of the provisions of Article 5, shall be exempt from "contribution foncière" in conformity with the provisions of Article 185, 2° of the "Code Général des Impôts Directs".

Pursuant to the provisions of Articles 572, 586 and 796 of the "Code de l'Enregistrement" and of Article 338 of the "Code du Timbre" the various documents or deeds executed by or on behalf of the Imperial War Graves Commission and having for their exclusive object the maintenance of the commemorative monuments erected on the immovable properties granted, shall be exempt from all "droits de timbre", "droits d'enregistrement" and "droits d'hypothèque".

ARTICLE 7

In all that concerns the execution of the present Convention and adjustments of detail (règlements de détail) to which it may give rise, the said Governments of the United Kingdom, Canada, the Commonwealth of Australia and New Zealand as also the Government of Newfoundland, shall be represented in their relations with (auprès de) the Government of the French Republic and its authorities by the said Commission acting by the said Anglo-French Mixed Committee in conformity with Article 6 of the Anglo-French Agreement of the 26th November, 1918.

ARTICLE 4

Préalablement à la signature de chaque procès-verbal de remise, l'autorisation d'ériger un monument sur le terrain objet de la remise devra, conformément à la procédure fixée par le décret du 18 novembre 1922, et sur la demande qui en aura été préalablement faite par le Secrétaire Général dudit Comité mixte, être donnée par décret dans chaque cas particulier.

ARTICLE 5

Le Gouvernement de la République française déclare concéder gratuitement et à perpétuité.

- (a) à chacun des Gouvernements du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, du Canada, du Commonwealth d'Australie et de la Nouvelle Zélande, ainsi qu'au Gouvernement de Terre-Neuve, en ce qui concerne le ou les immeubles précédemment acquis en son nom ou pour son compte; et
- (b) à ladite Commission Impériale des Sépultures Militaires britanniques, comme représentant des unités militaires ou particuliers intéressés, en ce qui concerne les immeubles précédemment acquis par les dites unités militaires ou par lesdits particuliers;

l'usage et la jouissance des immeubles objets de la présente convention, étant entendu que dans les deux cas lesdits immeubles resteront exclusivement affectés aux monuments commémoratifs qui y sont actuellement érigés et dont il appartiendra à ladite Commission d'assurer la surveillance et l'entretien.

Cette concession ne saurait toutefois avoir pour conséquence d'empêcher les opérations de travaux publics pour lesquels l'utilité publique serait déclarée et dont l'emprise intéresserait directement ou non, les terrains concédés; dans cette éventualité, ladite Commission serait appelée à se concerter avec le Gouvernement français pour déterminer les mesures qu'il serait nécessaire de prendre.

ARTICLE 6

Les immeubles dont l'usage et la jouissance sont concédés en vertu des dispositions de l'article 5, seront exonérés de la contribution foncière conformément aux dispositions de l'article 185, 2°, du Code Général des Impôts Directs.

En application des dispositions des articles 572, 586 et 796 du Code de l'Enregistrement et de l'article 338 du Code du Timbre, seront exemptés de tous droits de timbre, d'enregistrement ou d'hypothèque les divers documents ou actes passés par la Commission Impériale des Sépultures Militaires Britanniques ou pour son compte et ayant pour objet exclusif l'entretien des monuments commémoratifs érigés sur les immeubles concédés.

ARTICLE 7

En tout ce qui concerne l'exécution de la présente convention et les règlements de détail auxquels elle pourrait donner lieu, lesdits Gouvernements du Royaume-Uni, du Canada, du Commonwealth d'Australie et de la Nouvelle Zélande ainsi que le Gouvernement de Terre-Neuve, seront représentés auprès du Gouvernement de la République française et de ses autorités par ladite Commission agissant par ledit Comité mixte franco-britannique conformément à l'article 6 de l'accord franco-britannique du 26 novembre 1918.

In witness whereof, the undersigned, duly authorised in that behalf, have signed the present Convention in the English and French languages, both versions having equal validity.

Done at Paris, in duplicate, the 28th December 1938.

For the Government of the United Kingdom of Great Britain and Northern Ireland.

(L. S.) FABIAN WARE

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente convention en langues française et anglaise, les deux versions ayant égale autorité.

Fait à Paris, en double exemplaire, le 28 décembre 1938.

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

For the Government of Canada.

Pour le Gouvernement du Canada.

FABIAN WARE

For the Government of the Commonwealth of Australia.

Pour le Gouvernement du Commonwealth d'Australie.

FABIAN WARE

For the Government of New Zealand.

Pour le Gouvernement de la Nouvelle-Zélande.

FABIAN WARE

For the Government of the French Republic.

Pour le Gouvernement de la République française.

(L. S.) VINCENSINI

Nov. 1938
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CANADA

TREATY SERIES, 1938

No. 20

EXCHANGE OF NOTES

(December 28, 1937, and February 15 and 25, 1938)

CONCERNING

THE ISSUE OF APPENDIX CERTIFICATES OF
TONNAGE TO UNITED STATES
PASSENGER VESSELS

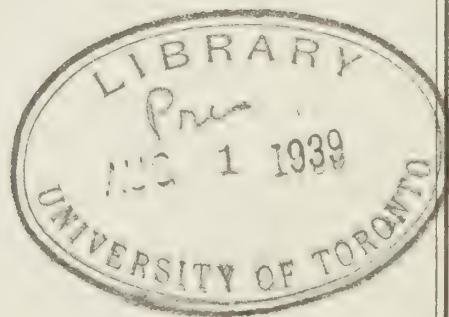
BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

IN FORCE FEBRUARY 25, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

Price, 25 cents

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(December 28, 1937, and February 15 and 25, 1938)

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**EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES
OF AMERICA CONCERNING THE ISSUE OF APPENDIX CERTIFI-
CATES OF TONNAGE TO UNITED STATES PASSENGER VESSELS**

*The Secretary of State of the United States to the Canadian Minister at
Washington*

DEPARTMENT OF STATE

WASHINGTON, December 28, 1937.

SIR,—I have the honor to refer again to your note No. 148 of July 15, 1937, proposing that an arrangement be entered into between the United States and Canada whereby appendix certificates of tonnage should be issued to United States passenger vessels for use in the ports of Canada in connection with the assessment of tonnage and certain other dues.

Under the present American practice special appendixes to the certificates of registry are issued to certain United States passenger vessels for their use in the ports of foreign countries whose laws and regulations require that passenger spaces situated on decks which are not decks to the hull be included in the net tonnage for the purpose of assessing dues.

I have the honor to inform you that if the Canadian admeasurement laws and regulations require the inclusion of the aforementioned passenger spaces in the tonnage admeasurement of passenger vessels upon which the dues are based, then the special appendix may be demanded of American passenger vessels in Canadian ports, provided, that like passenger spaces are included in the tonnage certificates of Canadian vessels trading in American ports.

Accept, Sir, the renewed assurances of my highest consideration,

For the Secretary of State:
R. WALTON MOORE

*The Canadian Minister at Washington to the Secretary of State of the
United States*

CANADIAN LEGATION

No. 30.

WASHINGTON, February 15, 1938.

SIR,—I have the honour to refer to your note of December 28th, 1937, in connection with a proposed arrangement to be entered into between the United States and Canada whereby Appendix Certificates of Tonnage should be issued to United States passenger vessels for use in the ports of Canada in connection with the assessment of tonnage and certain other dues.

With regard to the statement contained in the last paragraph of your note to the effect that the special appendix may be demanded of United States passenger vessels in Canadian ports provided that like passenger spaces are included in the tonnage certificates of Canadian vessels trading in United States ports I may say that the tonnage measurement regulations in force on Canadian vessels are those of the Board of Trade, London. I should be grate-

ful if you would be good enough to inform me whether officers at Canadian ports may now be instructed to require the production of Appendix Certificates by the United States passenger vessels concerned.

I have the honour to be
with the highest consideration,

Sir,

Your most obedient humble servant,

HERBERT M. MARLER

*The Secretary of State of the United States to the Canadian Minister at
Washington*

DEPARTMENT OF STATE

WASHINGTON, February 25, 1938.

SIR,—I have the honor to acknowledge the receipt of your note No. 30 of February 15, 1938, referring to the Department's note of December 28, 1937, further concerning the proposed arrangement between the United States and Canada whereby special appendix tonnage certificates would be furnished certain United States passenger vessels for their use when visiting Canadian ports.

In view of the statement in your note under acknowledgment that the tonnage measurement regulations in force on Canadian vessels are those of the Board of Trade, London, I have the honor to inform you that Canadian port officials may be instructed to require the production of appendix tonnage certificates by the United States passenger vessels concerned.

Accept, Sir, the renewed assurances of my highest consideration,

For the Secretary of State:
R. WALTON MOORE

Dr. Doc
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CANADA

TREATY SERIES, 1938

No. 21

INTERNATIONAL AGREEMENT

FOR THE

REGULATION OF WHALING

(Signed at London, June 8, 1937)

AND

CERTIFICATE OF EXTENSION OF THE
AGREEMENT

Accession of Canada notified at London,
June 14, 1938

IN FORCE JUNE 14, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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INTERNATIONAL AGREEMENT

FOR THE

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IN FORCE JUNE 14, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

**INTERNATIONAL AGREEMENT FOR THE REGULATION
OF WHALING, LONDON, JUNE 8, 1937**

The Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Germany, the United Kingdom of Great Britain and Northern Ireland, the Irish Free State, New Zealand and Norway, desiring to secure the prosperity of the whaling industry and, for that purpose, to maintain the stock of whales, have agreed as follows:—

ARTICLE 1

The contracting Governments will take appropriate measures to ensure the application of the provisions of the present Agreement and the punishment of infractions against the said provisions, and, in particular, will maintain at least one inspector of whaling on each factory ship under their jurisdiction. The inspectors shall be appointed and paid by Governments.

ARTICLE 2

The present Agreement applies to factory ships and whale catchers and to land stations as defined in Article 18 under the jurisdiction of the contracting Governments, and to all waters in which whaling is prosecuted by such factory ships and/or whale catchers.

ARTICLE 3

Prosecutions for infractions against or contraventions of the present Agreement and the regulations made thereunder shall be instituted by the Government or a Department of the Government.

ARTICLE 4

It is forbidden to take or kill Grey Whales and/or Right Whales.

ARTICLE 5

It is forbidden to take or kill any Blue, Fin, Humpback or Sperm whales below the following lengths, viz.:—

- | | |
|-----------------------------|----------|
| (a) Blue whales.. . . . | 70 feet. |
| (b) Fin whales.. . . . | 55 feet. |
| (c) Humpback whales.. . . . | 35 feet. |
| (d) Sperm whales.. . . . | 35 feet. |

ARTICLE 6

It is forbidden to take or kill calves, or suckling whales or female whales which are accompanied by calves or suckling whales.

ARTICLE 7

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from the 8th day of December to the 7th day of March following, both days inclusive, provided that in the whaling season 1937-38 the period shall extend to the 15th day of March, 1938, inclusive.

ARTICLE 8

It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 9

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas, viz.:—

- (a) in the Atlantic Ocean north of 40° South Latitude and in the Davis Strait, Baffin Bay and Greenland Sea;
- (b) in the Pacific Ocean east of 150° West Longitude between 40° South Latitude and 35° North Latitude; -
- (c) in the Pacific Ocean west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
- (d) in the Indian Ocean north of 40° South Latitude.

ARTICLE 10

Notwithstanding anything contained in this Agreement, any contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the contracting Government thinks fit, and the killing, taking and treating of whales in accordance with the terms in force under this article shall be exempt from the operation of this Agreement.

Any contracting Government may at any time revoke a permit granted by it under this article.

ARTICLE 11

The fullest possible use shall be made of all whales taken. Except in the case of whales or parts of whales intended for human food or for feeding animals, the oil shall be extracted by boiling or otherwise from all blubber, meat (except the meat of sperm whales) and bones other than the internal organs, whale bone and flippers, of all whales delivered to the factory ship or land station.

ARTICLE 12

There shall not at any time be taken for delivery to any factory ship or land station a greater number of whales than can be treated efficiently and in accordance with article 11 of the present Agreement by the plant and personnel therein within a period of thirty-six hours from the time of the killing of each whale.

ARTICLE 13

Gunners and crews of factory ships, land stations and whale catchers shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken, and not merely upon the number of the whales taken, and no bonus or other remuneration, calculated by reference to the results of their work, shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Agreement.

ARTICLE 14

With a view to the enforcement of the preceding article, each contracting Government shall obtain, in respect of every whale catcher under its jurisdiction, an account showing the total emolument of each gunner and member of the crew and the manner in which the emolument of each of them is calculated.

ARTICLE 15

Articles 5, 9, 13 and 14 of the present Agreement, in so far as they impose obligations not already in force, shall not until the 1st day of December, 1937, apply to factory ships, land stations or catchers attached thereto which are at present operating or which have already taken practical measures with a view to whaling operations during the period before the said date. In respect of such factory ships, land stations and whale catchers, the Agreement shall in any event come into force on the said date.

ARTICLE 16

The contracting Governments shall obtain with regard to all factory ships and land stations under their jurisdiction records of the number of whales of each species treated at each factory ship or land station and as to the aggregate amounts of oil of each grade and quantities of meal, guano and other products derived from them, together with particulars with respect to each whale treated in the factory ship or land station as to the date and place of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus.

ARTICLE 17

The contracting Governments shall, with regard to all whaling operations under their jurisdiction, communicate to the International Bureau for Whaling Statistics at Sandefjord in Norway the statistical information specified in Article 16 of the present Agreement together with any information which may be collected or obtained by them in regard to the calving grounds and migration routes of whales.

In communicating this information the Governments shall specify:—

- (a) the name and tonnage of each factory ship;
- (b) the number and aggregate tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

ARTICLE 18

In the present Agreement the following expressions have the meanings respectively assigned to them, that is to say:—

“factory ship” means a ship in which or on which whales are treated whether wholly or in part;

“whale catcher” means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

“land station” means a factory on the land, or in the territorial waters adjacent thereto, in which or at which whales are treated whether wholly or in part;

“baleen whale” means any whale other than a toothed whale;

“blue whale” means any whale known by the name of blue whale, Sibbald’s rorqual or sulphur bottom;

“fin whale” means any whale known by the name of common finback, common finner, common rorqual, finback, fin whale, herring whale, razorback, or true fin whale;

- “grey whale” means any whale known by the name of grey whale, California grey, devil fish, hard head, mussel digger, grey back, rip sack;
- “humpback whale” means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;
- “right whale” means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale or Southern right whale;
- “sperm whale” means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale;
- “length” in relation to any whale means the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

ARTICLE 19

The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible. It shall come into force⁽¹⁾ upon the deposit of instruments of ratification by a majority of the signatory Governments, which shall include the Governments of the United Kingdom, Germany and Norway; and for any other Government not included in such majority on the date of the deposit of its instrument of ratification.

The Government of the United Kingdom will inform the other Governments of the date on which the Agreement thus comes into force and the date of any ratification received subsequently.

ARTICLE 20

The present Agreement shall come into force provisionally on the 1st day of July, 1937, to the extent to which the signatory Governments are respectively able to enforce it; provided that if any Government within two months of the signature of the Agreement informs the Government of the United Kingdom that it is unwilling to ratify it the provisional application of the Agreement in respect of that Government shall thereupon cease.

The Government of the United Kingdom will communicate the name of any Government which has signified that it is unwilling to ratify the Agreement to the other Governments, any of whom may within one month of such communication withdraw its ratification or accession or signify its unwillingness to ratify as the case may be, and the provisional application of the Agreement in respect of that Government shall thereupon cease. Any such withdrawal or communication shall be notified to the Government of the United Kingdom, by whom it will be transmitted to the other Governments.

ARTICLE 21

The present Agreement shall, subject to the preceding article, remain in force until the 30th day of June, 1938, and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway, shall have agreed to extend its duration. In the event of such extension it shall remain in force until the contracting Governments agree to modify it, provided that any contracting

⁽¹⁾The agreement came into force on May 7, 1938.

Government may, at any time after the 30th day of June, 1938, by giving notice on or before the 1st day of January in any year to the Government of the United Kingdom (who on receipt of such notice shall at once communicate it to the other contracting Governments) withdraw from the Agreement, so that it shall cease to be in force in respect of that Government after the 30th day of June following, and that any other contracting Government may, by giving notice in the like manner within one month of the receipt of such communication, withdraw also from the Agreement, so that it shall cease to be in force respecting it after the same date.

ARTICLE 22

Any Government which has not signed the present Agreement may accede thereto at any time after it has come into force. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Agreement of all accessions received and the date of their receipt.

In faith whereof the Undersigned, being duly authorized, have signed the present Agreement.

Done in London the 8th day of June, 1937, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies will be transmitted to all the other contracting Governments.

For the Government of the Union of South Africa:

F. J. DU TOIT

For the Government of the United States of America:

HERSCHEL V. JOHNSON
REMINGTON KELLOGG

For the Government of the Argentine Republic:

MANUEL E. MALBRÁN
M. FINCATI
T. L. MARINI

For the Government of the Commonwealth of Australia:

S. M. BRUCE

For the Government of Germany:

WOHLTHAT

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HENRY G. MAURICE
GEO. HOGARTH

For the Government of the Irish Free State:

SEAN O'FAOLAIN O'DULCHAONTIGH

For the Government of New Zealand:

G. McNAMARA

For the Government of Norway:

BIRGER BERGERSEN

**CERTIFICATE OF EXTENSION OF THE DURATION
OF THE AGREEMENT AFTER JUNE 30, 1938,
LONDON, JUNE 29, 1938**

Whereas the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937, has been ratified by the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand and Norway, and came into force in accordance with the provisions of Article 19 on the 7th day of May, 1938; and

Whereas the Governments of the United States of Mexico and Canada have acceded, with effect from the 7th May, 1938, and the 14th June, 1938, respectively, to the said Agreement in accordance with Article 22 thereof; and

Whereas in consequence the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand, Norway, the United States of Mexico and Canada are contracting Governments; and

Whereas, according to the provisions of Article 21, the said Agreement remains in force until the 30th June, 1938, and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway shall have agreed to extend its duration:

The Undersigned, Principal Secretary of State for Foreign Affairs of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, hereby certifies that, the Governments of the United States of America, Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, the United States of Mexico, New Zealand and Norway have agreed to extend the duration of the said Agreement, and that the Agreement will accordingly, under the provisions of Article 21, continue in force after the 30th June, 1938.

Witness my hand this 29th day of June, 1938.

Given at the Foreign Office, London.

HALIFAX

CANADA

TREATY SERIES, 1938

No. 22

EXCHANGE OF NOTES

(June 9, July 11 and 18, August 22, September 27, November 16, and
December 20, 1938)

recording an Agreement

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

RELATING TO

RADIO COMMUNICATIONS BETWEEN
BRITISH COLUMBIA AND ALASKA

IN FORCE DECEMBER 20, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

Price, 25 cents.

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EXCHANGE OF NOTES (JUNE 9, JULY 11 AND 18, AUGUST 22, SEPTEMBER 27, NOVEMBER 16 AND DECEMBER 20, 1938) REGARDING AN AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO RADIO COMMUNICATIONS BETWEEN BRITISH COLUMBIA AND ALASKA.

*The Secretary of State of the United States
to the Canadian Minister at Washington*

DEPARTMENT OF STATE

WASHINGTON, June 9, 1938.

SIR,

I have the honor to inform you of the desire of the Polaris-Taku Mining Company, Limited, to establish radio communication between its privately owned radio station in the Province of British Columbia, Canada, and the station of the Alaska Communication System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance. In view of the nature of the messages sought to be exchanged the War Department of the United States approves the establishment of the proposed circuit.

I accordingly inquire whether the Government of Canada is prepared to authorize the suggested radio connection, omitting ordinary commercial traffic, between stations of the Alaska Communication System and radio stations located in Canada. If such approval is given by your Government it is suggested that provision be made for the modification of the details of arrangements with respect to the class of traffic handled, subject to the approval of the Secretary of War of the United States and a designated official of the Government of Canada.

It is also proposed that the arrangement provide for the operation and administration of the affected radio channels subject to the following conditions which are understood to be in accordance with the procedure and practice applicable to similar channels now in operation:

- (a) Radio traffic will be exchanged in accordance with the regular operating procedure of the Alaska Communication System and of the radio stations in the Dominion of Canada, provided that in cases where the operating procedure applicable to one station is in conflict with the operating procedure of the station with which radio traffic is exchanged, the differences will be administratively adjusted by co-operation between the chief operators of the stations involved.
- (b) The establishment of operating schedules between any two stations authorized to exchange radio traffic will be such as may be agreed upon between the Officer in Charge, Alaska Communication System, Seattle, Washington, and the administrative official in charge of the operation of the radio station with which such radio schedules are established.

- (c) The charges made by the Alaska Communication System on local traffic between the local radio station of the Alaska Communication System and any radio station in the Dominion of Canada with which arrangements are made for the exchange of traffic will be in accordance with duly established tariffs applicable to such service.
- (d) The division of tolls between the participating radio stations will be made on the basis of the tolls accruing to each in accordance with applicable tariffs, and settlement of accounts will be made by the Auditor for the Alaska Communication System, Seattle, Washington, at such intervals as may be agreed upon and in the same manner as settlement is made under similar conditions for commercial radio traffic between stations of the Alaska Communication System and other radio stations.
- (e) Arrangements for the exchange of radio traffic between stations of the Alaska Communication System and radio stations located in the Dominion of Canada shall not be extended to provide for the forwarding of drafts or money orders.

It should be observed that it is not intended that this proposed arrangement shall in any way contravene the provisions of the United States-Canadian regional arrangement governing the use of radio for aeronautical services, which was negotiated at a conference in Washington in January 1938 and which is now before your Government for study.

It is suggested that the contemplated service be authorized to commence at any time after the conclusion of this understanding by exchange of notes and that either party may withdraw from the arrangement by giving six months' notice in writing to the other party, at which time the arrangement shall be deemed to have terminated. In this connection, however, it should be borne in mind that the terms of this arrangement shall be within the scope of the existing international telecommunication convention and the annexed regulations to which both parties hereto may have adhered.

Accept, Sir, etc.,

CORDELL HULL

*The Canadian Minister at Washington to the
Secretary of State of the United States*

CANADIAN LEGATION

No. 160

WASHINGTON, July 11, 1938.

SIR,

I have the honour to refer to your Note of June 9th, 1938, concerning the desire of the Polaris-Taku Mining Company Limited to establish radio communication between its privately-owned radio station in the Province of British Columbia and the station of the Alaska Communications System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance.

It appears that the Polaris-Taku Mining Company Limited is at present licensed to operate a radio station at its mine seven miles northwest of Tulsequah, British Columbia, call sign CY31, for radio-telephone communication

on the frequencies 2060 and 5720 kilocycles with the Department of Public Works, Telegraph Service, radio stations at Telegraph Creek, British Columbia, and Hazelton, British Columbia, only.

On the condition that the proposed radio communication between Tulsequah, British Columbia, and Juneau, Alaska, will be strictly limited to the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance only, and in view of the fact that the proposed circuit has been approved by the War Department of the United States, the Canadian Government through the Department of Transport will be prepared to authorize the Polaris-Taku Mining Co. Ltd. radio station to communicate with the Juneau, Alaska, station subject to the conditions (a), (b), (c), (d) and (e) outlined in your note of June 9th and subject also to the further conditions set forth in the last two paragraphs of the same communication.

I have, etc.,

HERBERT M. MARLER

*The Secretary of State of the United States
to the Canadian Minister at Washington*

DEPARTMENT OF STATE

WASHINGTON, July 18, 1938.

SIR,

I have the honor to acknowledge the receipt of your Note No. 160 of July 11, 1938, concerning the desire of the Polaris-Taku Mining Company, Limited, to establish radio communication between its privately owned radio station in the Province of British Columbia, Canada, and the station of the Alaska Communication System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance. I am happy to note that your Government will be prepared to authorize the Polaris-Taku Mining Company, Limited, radio station to communicate with the Juneau, Alaska, station subject to conditions *a, b, c, d*, and *e* outlined in my note of June 9 and subject also to the further conditions set forth in the last two paragraphs of the same communication.

In transmitting a copy of your note under acknowledgment to the War Department, the Department stated that it was suggesting to your Government that the agreement in question come into force on August 1, 1938. I shall appreciate it, therefore, if you will be good enough to inform me whether the date of August 1, 1938, is agreeable to your Government.

Accept, Sir, etc.,

For the Secretary of State:

R. WALTON MOORE

*The Canadian Minister at Washington to the
Secretary of State of the United States*

CANADIAN LEGATION

No. 195

WASHINGTON, August 22, 1938.

SIR,

I have the honour to refer to your note of July 18, 1938, and previous correspondence concerning the proposed agreement under which the Polaris-Taku Mining Company, Limited, would establish radio communication between its privately-owned station in the Province of British Columbia and the station of the Alaska Communications System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance. You enquired whether the date of August 1, 1938, would be agreeable to the Canadian Government as the date on which the agreement in question should come into force.

I am instructed to inform you that the agreement is satisfactory to the competent authorities of Canada and it is understood that it is in force as of August 1, 1938, according to the terms set out in previous correspondence.

I have, etc.,

HERBERT M. MARLER

*The Canadian Minister at Washington to the
Secretary of State of the United States*

CANADIAN LEGATION

No. 232

WASHINGTON, September 27, 1938.

SIR,

I have the honour to refer to my despatch No. 195 of August 22nd and to previous correspondence concerning the agreement under which the Polaris-Taku Mining Company Limited established radio communications between its privately owned station in the Province of British Columbia and the station of the Alaska Communications System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency and medical assistance.

I am now instructed to call to your attention that the Department of Transport states that while the Polaris-Taku Mining Company have clearly specified the classes of message they desire to exchange between their station at Tulsequah, British Columbia, and the Juneau station of the Alaska Communications System, representations received by the Department from the legal agents of the Company state that messages following the normal routing of commercial traffic between these stations are subject to serious delay and they now request authority to handle any class of local message between Tulsequah and Juneau direct.

In view of this request the Department of Transport approached the Government Telegraph Service of the Department of Public Works with a view to eliminating the difficulties experienced in the service between Tulsequah and Juneau, and the following proposals have now been submitted in this

connection by the Government Telegraph Service. These proposals—it is understood—have been approved by the legal agents of the Polaris-Taku Mining Company at Vancouver.

- (1) All commercial traffic between Juneau and Tulsequah should be routed in future via Atlin instead of via Telegraph Creek, Wrangell, Seattle and Juneau, which is the present route for such traffic. The Canadian Government station at Atlin is much more powerful than the Telegraph Creek station and it is considered to be better located to work with Juneau and Tulsequah than is Telegraph Creek. It is proposed that this Tulsequah-Atlin-Juneau schedule should be worked every two hours during the day.

It is understood that it would be necessary to obtain permission from the Chief Signal Officer, United States Army, to establish this proposed communication between the station of the Alaska Communications System at Juneau and the station of the Government Telegraph Service at Atlin in order to handle Tulsequah business with Juneau.

- (2) The Government Telegraph Service state that they are prepared in connection with the Sunday and holiday service to accede to the wishes of the Polaris-Taku Mining Company that the Tulsequah station should communicate direct with Juneau as is the present practice in the handling of weather reports and emergency medical assistance.

The Department of Transport state that they have no objection to the extension of this service between Tulsequah and Juneau on the basis of the proposals of the Government Telegraph Service as outlined above.

I should be glad to be informed whether this proposed arrangement would meet with the approval of the interested authorities of the United States Government.

I have, etc.,

W. A. RIDDELL
For the Minister.

*The Secretary of State of the United States
to the Canadian Minister at Washington*

DEPARTMENT OF STATE

WASHINGTON, November 16, 1938.

SIR,

I have the honor to refer to your Legation's Note No. 232 of September 27, 1938, and my reply of October 4, 1938, outlining an amplification of the arrangement for the transmission of meteorological and other emergency radio messages between the station of the Polaris-Taku Mining Company, Limited, and the station of the Alaska Communication System at Juneau.

Upon the recommendation of the appropriate authorities of this Government I have the honor to inform you of its acceptance of the suggestions contained in your note of September 27, 1938.

It has been further suggested that the arrangement provide for the direct handling of commercial traffic between Tulsequah and Juneau at all times

when the radio station at Atlin is closed or otherwise inoperative so as to permit the handling of urgent commercial traffic when the Atlin station is closed at the end of the business day as well as on Sundays and holidays.

It has also been recommended that this circuit be made available for the handling of other radio traffic between the Alaska Communication System and radio stations under the control of the Government Telegraph Service of the Canadian Department of Public Works in accordance with practices applicable to the exchange of traffic between stations of the Alaska Communication System at Fairbanks, Wrangell, and Ketchikan and stations of the Canadian Government at Dawson, Telegraph Creek, and Digby Island, respectively.

I shall be glad to be informed of the views of your Government with respect to these additional recommendations in order that, if it concurs in them, they may be made effective by this exchange of notes.

Accept, Sir, etc.,

For the Secretary of State:

G. MESSERSMITH

*The Canadian Minister at Washington to the
Acting Secretary of State of the United States*

CANADIAN LEGATION

No. 302

WASHINGTON, December 20, 1938.

SIR,

I have the honour to refer to your Note of November 16th outlining certain additional recommendations with regard to the proposed amplification of the arrangement for the transmission for meteorological and other emergency radio messages between the station of the Polaris-Taku Mining Company Limited and the station of the Alaska Communications System at Juneau.

I have now the honour to inform you that the Canadian Government, after consultation with the appropriate authorities have decided upon the acceptance of the recommendations outlined in your note of November 16.

The Polaris-Taku Mining Company Limited have now therefore been informed that the Department of Transport have no objection to the suggested arrangement to provide for the direct handling of commercial traffic between Tulsequah and Juneau at all times when the radio station at Atlin is closed or otherwise inoperative so as to permit the handling of urgent commercial traffic when the Atlin station is closed at the end of the business day as well as on Sundays and holidays.

With regard to the further suggestion of your government that the Atlin-Juneau channel should be used as a transfer medium for traffic between the Alaska Communications System and the stations in Northern British Columbia and the Yukon Territory operated by the Department of Transport, it is agreed that the proposed direct transfer at Juneau would be more satisfactory than the present arrangement over the White Pass and Yukon land lines, and the Government Telegraph Service, Department of Public Works, have been requested to proceed to make suitable arrangements with officials of the Alaska Communications System for putting this recommendation into practice.

I have, etc.,

W. A. RIDDELL
for the Minister.

Dr. Doc
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E

CANADA

TREATY SERIES, 1938

No. 23

INTERNATIONAL AGREEMENT

MODIFYING THE INTERNATIONAL CONVENTION OF
JUNE 21, 1920, FOR THE ESTABLISHMENT OF AN

INTERNATIONAL INSTITUTE OF
REFRIGERATION

(Paris, May 31, 1937)

Adherence of Canada notified at Paris January 25, 1938

IN FORCE JULY 18, 1938



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J. O. PATENAUDE, I.S.O.
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1940

INTERNATIONAL AGREEMENT MODIFYING THE INTERNATIONAL CONVENTION OF JUNE 21, 1920, FOR THE ESTABLISHMENT OF AN INTERNATIONAL INSTITUTE OF REFRIGERATION.

(Translation)

Agreement modifying the International Convention for the creation at Paris of an International Institute of Refrigeration, signed at Paris, June 21, 1920, concluded between Germany, the Argentine Republic, Belgium, Brazil, Bulgaria, China, Costa Rica, Cuba, Denmark, Spain, the United States, Finland, France, Algeria, the French West African Colonies, Madagascar, Great Britain and the Union of South Africa, Canada, the Commonwealth of Australia, New Zealand, India, Greece, Hayti, Italy and her colonies of Eritrea, Cyrenaica, Tripoli and Somaliland, Japan, Luxemburg, Morocco, Norway, Panama, The Netherlands and her colonies of The Netherlands Indies, Peru, Poland, Portugal, Roumania, Sweden, Switzerland, Czechoslovakia, Tunis, the Union of Soviet Socialist Republics, Uruguay and Yugoslavia.

The undersigned, Plenipotentiaries of the countries mentioned above, have agreed on the following provisions:—

ARTICLE 1

The High Contracting Parties undertake to preserve and maintain the International Institute of Refrigeration with its seat at Paris.

The following are members of the International Institute of Refrigeration enjoying the rights and subject to the obligations defined by the present Convention:

(1) Contracting countries together with their overseas territories and the colonies designated by them when signing the present Convention and which appear on the subjoined list;

(2) Countries which are not parties to the present Convention, overseas territories and colonies not mentioned on the list referred to above if the countries concerned accede to the said Convention in a metropolitan capacity or on behalf of overseas territories or colonies, and if the admission of the new member to the International Institute of Refrigeration is decided by the Executive Committee provided for in Article 5 below, by a majority of two-thirds of the countries, dominions and colonies represented. The application will be addressed to the Director of the Institute; it will imply the undertaking to share in the expenses of the Institute by means of an annual subscription under conditions laid down in Article 9. When it has been decided, notice of the admission will be given by the Director to the Minister for Foreign Affairs of the French Republic who will notify it to all the acceding Governments.

ARTICLE 2

Institutions and private persons who have collaborated in the science and industry of refrigeration and benefactors of the International Institute of Refrigeration may receive the title of Corresponding Member of the Institute, by decision of the Executive Committee.

ARTICLE 3

The Institute, confining its activities to the international sphere, has for its principal objects:—

(1) The promotion of the knowledge of the science and practice of refrigeration, and also the development and popularization of scientific or technical studies, and researches conducted in this sphere;

(2). The promotion of the study of improved solutions of questions dealing with the preservation, transport and distribution of perishable commodities;

(3) The circulation of information, stating the source of the information published, respecting the world situation of refrigerated commodities, from the three points of view of production, circulation and consumption;

(4) The co-ordination, with a view to publication of all scientific, technical and economic information and documents relating to the production and utilization of refrigeration;

(5) The collection, in order to study them, of the laws, regulations and information of every kind concerning the refrigeration industry, and the submission, if necessary, for the approval of the Governments of measures tending to the improvement and unification of the regulations respecting the international circulation of products susceptible of benefitting from the application of refrigeration;

(6) To organize international congresses of refrigeration;

(7) To keep in constant touch with the scientific and professional bodies interested, with a view to ensure the carrying out of its scheme of activities.

All questions which concern the economic interests, the legislation and the administration of a particular State, are excluded from the scope of the International Institute of Refrigeration.

ARTICLE 4

The International Institute of Refrigeration is placed under the authority and control of a general Conference comprising representatives nominated by the members of the Institute. Members which do not wish to nominate official representatives may arrange with the International Institute of Refrigeration for a competent group which shall represent their countries instead of and in their place.

The number of representatives of each State in the general Conference is that fixed by Article 9 of the present Convention, which settles the share of the members in the expenses of the Institute. Members of the Conference who are unable to attend a meeting have the right to give their proxy to one of their colleagues in the Conference.

The general Conference will meet at least every four years. Its President is elected by majority vote for a term of five years corresponding to each of the five year periods provided for in Article 10.

ARTICLE 5

The executive authority of the International Institute of Refrigeration is entrusted to an Executive Committee which, under the direction and control of the general Conference, will carry out its resolutions and draw up proposals for submission to it.

The Executive Committee consists of members nominated by the competent authorities of the members of the Institute. Each of such members will be represented on the Committee by one person.

The Presidents of the International Commissions provided for in Article 7 of the present Convention are entitled to attend meetings of the Executive Committee in an advisory capacity.

The Executive Committee will meet at least once a year. It is charged with carrying out the decisions of the general Conference. It has entire control over the administration of the Institute. By secret vote it elects the Director, who fulfils the functions of Secretary-General of the general Conference and the Executive Committee. It settles the organization of the staff and also all the necessary arrangements for the functioning of the Institute.

Members of the Executive Committee unable to attend a meeting have the right to give their proxy to one of their colleagues on the Committee.

In the interval between meetings, the Executive Committee exercises the powers of the general Conference, subject to ratification by the latter of the decisions adopted.

In any case, decisions are valid only if sustained by a two-third majority vote of all members present or represented.

The Executive Committee selects, from among its members, a Governing Body composed of a President, six Vice-Presidents and a Committee of Administration consisting of fifteen members who draw up the budget and submit an annual report on the financial position of the Institute.

The Director, under the control of the Committee of Administration, authorizes the expenses and administers the revenues; he signs all receipts and clears, accepts, endorses or draws every bill, draft or cheque for the account of the Institute.

The President of the general Conference can attend, in an advisory capacity, all meetings of the Executive Committee and of the Committee of Administration.

ARTICLE 6

The functioning of the Institute is ensured by a salaried staff including a Director, appointed by the Executive Committee and officials necessary to carry out the duties of the Institute.

The appointment and discharge of employees of every class is in the hands of the Director who is responsible, in such matters, to the Executive Committee.

ARTICLE 7

The studies provided for by Article 3 of the present Convention are undertaken and pursued by International Commissions whose number and attributes are fixed by the general Conference or by experts appointed by that body.

Such studies will concern questions dealing with the production and utilization of refrigeration in all its aspects and especially:—

- The production of low temperatures;
- Refrigeration material and plants;
- The industrial applications of refrigeration;
- Transport;
- Legislation;
- Instruction;
- General management and statistics.

The President of each of these Commissions is selected by the General Conference and will report to it on the subject.

The composition of each Commission is settled by the Executive Committee on the basis of proposals presented by the President of the said Commission, account being taken of the wishes expressed by the refrigeration associations or other scientific or industrial bodies in the countries acceding to the present Convention.

ARTICLE 8

The labours of the Commissions and the information of every description received by the central office of the Institute in virtue of Article 3 of the present Convention will be published in a bulletin. This official publication will be in English and in French, but an edition in any other language of the countries acceding to the present Convention will be published at the request of the countries interested, so far as the ordinary and extraordinary resources of the Institute will allow.

The free issue of the bulletin will be made to all the countries acceding to the present Convention on a scale fixed by the general Conference according to the category in which they are inscribed.

ARTICLE 9

The expenses necessary for the working of the Institute will be provided:—

(1) By annual contributions from the States which agree to take part in its working. Such contributions payable in any currency freely negotiable, are fixed in gold francs of a weight of 10/31 of a gramme and of a fineness of 0·900¹ according to the following categories:²

Category	Annual Subscription in gold francs	Number of Representatives in the General Conference and Executive Committee
I..	4,800	6
II..	3,600	5
III..	2,400	4
IV..	1,600	3
V..	800	2
VI..	400	1

(2) By receipts obtained from subscriptions to the bulletin and from the sale of the publications of the Institute effected in accordance with conditions laid down by the Executive Committee;

(3) By subscriptions, gifts and legacies which may be legally made to it, especially by virtue of the application of Article 2 of the present Convention.

The amounts representing the contributory share of each of the contracting countries will be forwarded by them, at the beginning of each year, to the director of the Institute, through the intermediary of the Ministry for Foreign Affairs of the French Republic.

ARTICLE 10

The present Convention is concluded for a period of ten years. At the end of this period, it will be renewed by tacit consent for periods of five years, each Government having the right to withdraw from the Institute or to alter the category in which it is placed, after each period, on previous notice of at least one year.

Each member of the Institute admitted later is bound until the expiration of the first period of ten years, if it is admitted within the first five years of that period. Otherwise it is bound until the expiration of the additional period of five years following that during which it is admitted.

¹Monetary unit provided for in Article 28 of the Universal Postal Convention of June 28, 1929, made public in France by Decree of Mar. 17/33.
²Canada is a member of the Institute in Category III.

ARTICLE 11

The present convention shall be ratified. Each Power will forward its ratification, with as little delay as possible, to the French Government, which will inform the other signatory countries.

The ratifications will remain deposited in the archives of the French Government.

The present Convention will come into force, as regards each signatory country, on the date of the deposit of its ratification.

In faith whereof, the following Plenipotentiaries, whose powers have been found in good and due form, have signed the present Convention.

Done at Paris, May 31, 1937.

For Germany:

JOHANNES GRAF VON WELCZECK

For the Argentine Republic:

T. A. LE BRETON

For Belgium:

COMTE DE KERCHOVE

For Brazil ad referendum:

L. M. DE SOUZA-DANTAS

For Bulgaria:

C. BATOLOFF

For China:

V. K. WELLINGTON KOO

For Costa Rica:

For Cuba:

JOSÉ RENÉ MORALES

For Denmark:

T. BULL

For Spain:

*For the United States:*¹

For Finland:

HARRI HOLMA

For France:

YVON DELBOS

¹ As regards the United States of America which, as in 1920, did not sign it, this Agreement has been accepted by the American Institute of Refrigeration which informed directly the International Institute of Refrigeration. Communication of such accession was made to the Ministry for Foreign Affairs (International Unions).

For Algeria:

YVON DELBOS

For the French West African Colonies and Madagascar:

YVON DELBOS

For Great Britain and India:

In signing the present Convention:

- (1) For the United Kingdom of Great Britain and Northern Ireland and
- (2) For India,

I declare:

(1) That my signature is appended subject to the right to withdraw from the Institute with a previous notice of at least one year as from June 21, 1940;

(2) That in the relations between His Majesty the King of Great Britain and Northern Ireland and the British Dominions beyond the Seas, Emperor of India, and the other High Contracting Parties which shall have ratified the present Convention, the latter shall supersede the Convention of June 21, 1920, as from the date of the deposit of its instrument of ratification as regards: (1) the United Kingdom of Great Britain and Northern Ireland; (2) India.

LLOYD THOMAS

For the Commonwealth of Australia:

LLOYD THOMAS

For the Union of South Africa:

ERIC H. LOUW

For Canada:

For New Zealand:

D. J. JORDAN

For Greece:

N. POLITIS

For Hayti:

For Italy:

V. CERRUTI

For the Italian Colonies of Eritrea, Cyrenaica, Tripoli and Somaliland:

V. CERRUTI

For Japan:

T. MITANI

For Luxemburg:

ANT. FUNCK

For Morocco:

For Norway:
GRONVOLD

For Panama:

For the Netherlands and her Colonies of the Netherlands Indies:
J. LOUDON

For Peru:

For Poland:
J. LUKASIEWICZ

For Portugal:

For Roumania:
C. CESIANO

For Sweden:
E. HENNINGS

For Switzerland:
DUNANT

For Czechoslovakia:
STEFAN OSUSKY

For Tunis:
TRONET

For the Union of Soviet Socialist Republics:
EUGÈNE HIRSCHFELD

For Uruguay:
PABLO PENANDO

For Yugoslavia:
BOJIDAR POURITCH

CANADA

TREATY SERIES, 1938

No. 24

AGREEMENT

REGARDING

BRITISH WAR CEMETERIES AND GRAVES
IN EGYPT

WITH

EXCHANGE OF NOTES RELATING THERETO

BETWEEN

HIS MAJESTY'S GOVERNMENTS IN THE UNITED
KINGDOM, CANADA, THE COMMONWEALTH OF
AUSTRALIA, NEW ZEALAND, AND THE
UNION OF SOUTH AFRICA AND THE
GOVERNMENT OF INDIA

AND

THE EGYPTIAN GOVERNMENT

Signed at Cairo, June 2nd, 1937

IN FORCE NOVEMBER 29th, 1937



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

Price, 25 cents

AGREEMENT

REGARDING

BRITISH WAR CEMETERIES AND GRAVES IN EGYPT

WITH

EXCHANGE OF NOTES RELATING THERETO

BETWEEN

HIS MAJESTY'S GOVERNMENTS IN THE UNITED
KINGDOM, CANADA, THE COMMONWEALTH OF
AUSTRALIA, NEW ZEALAND AND THE UNION
OF SOUTH AFRICA AND THE GOVERN-
MENT OF INDIA

AND

THE EGYPTIAN GOVERNMENT

Signed at Cairo, June 2nd, 1937

IN FORCE NOVEMBER 29th, 1937



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1939

**AGREEMENT REGARDING BRITISH WAR CEMETERIES AND GRAVES
IN EGYPT BETWEEN HIS MAJESTY'S GOVERNMENTS IN THE
UNITED KINGDOM, CANADA, THE COMMONWEALTH OF AUS-
TRALIA, NEW ZEALAND AND THE UNION OF SOUTH AFRICA
AND THE GOVERNMENT OF INDIA AND THE EGYPTIAN
GOVERNMENT**

CAIRO, June 2, 1937.

THE Government of Egypt on the one hand, and the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and India on the other hand, being desirous of placing on a firm and established basis the care of the graves of the British soldiers who fell in the late war and were buried in Egyptian Territory, have agreed as follows:—

ARTICLE I

The Imperial War Graves Commission (hereinafter referred to as "The Commission") incorporated by Royal Charter granted by His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as "His Majesty The King and Emperor") on the 21st day of May, 1917, is recognized by the Egyptian Government as the sole authority charged with the care of the British War Memorial Cemeteries and War Graves in Egypt.

Accordingly, the Commission shall alone be qualified to act in this matter, particularly in all that concerns the execution of that part of the agreement contained in the note of the 27th October, 1918, addressed by le Comité des Finances to, and approved by the Egyptian Council of Ministers on the 9th November, 1918, relating to the free cession of land in perpetuity for British War Memorial Cemeteries to the Commission by the Egyptian Government, and subsequently confirmed by a formal Deed of Gift dated the 9th May, 1921, and registered in the Bureaux des Hypothèques of the Mixed Tribunals of Cairo and Alexandria on the 9th May, 1921, and the 27th June, 1921, respectively, and in the Bureaux des Hypothèques of Mansourrah on the 27th July, 1921.

ARTICLE II

Notwithstanding anything contained in the aforesaid Deed of Gift or its annexes as to the nature of the Commission's Committee in Egypt, the Egyptian Government agrees that the character and functions of that body shall be as provided in Articles 11 and 12 of the present Agreement, and that the Commission's rights under the Deed of Gift shall continue unaffected by any changes in the title, composition or powers of the said Committee made in conformity with these articles.

ARTICLE III

The Egyptian Government hereby agrees that the British War Memorial Cemeteries shall not be subject to any State or local taxes.

ARTICLE IV

The exhumation of bodies buried in the British War Memorial Cemeteries or War Graves with a view to their transport elsewhere shall only take place in agreement with the Commission. The Egyptian Government undertakes to refuse all applications for permission for the removal of bodies unless preferred through the Commission.

ARTICLE V

The Egyptian Government recognizes the right of the Commission to act in Egypt as an Association possessing the civil rights of a juristic person.

ARTICLE VI

The Commission is authorized to enclose the British War Memorial Cemeteries, to lay them out according to a scheme approved by the Commission, to erect in them sepulchral monuments or other suitable structures, to make plantations in them, to designate from time to time the custodians or persons to take charge of them and, subject to the approval of the Minister of the Interior, to enact regulations governing visits to and the policing of the same, and to prosecute those who infringe the said regulations.

ARTICLE VII

The custodians appointed by the Commission to take charge of and maintain the British War Memorial Cemeteries and War Graves may be persons of British nationality. The custodians shall be recognized by the Egyptian Government and shall receive from the Egyptian Government every assistance necessary for the safeguard and protection of the British War Memorial Cemeteries and War Graves. The custodians shall have no military character.

ARTICLE VIII

The Egyptian Government recognizes the existence of graves of officers and men of the forces of His Majesty The King and Emperor situated outside the limits of the lands granted by the said Deed of Gift, as set forth in a list to be communicated to the Egyptian Government by the Diplomatic representative in Egypt of His Majesty The King and Emperor. The Egyptian Government undertake that, should the Commission at any time in the future consider the transfer of these graves necessary or desirable, by reason of the closing (for burial purposes) or disuse of the Cemeteries in which they are situated or otherwise, all necessary facilities will be accorded to the Commission to remove the remains to one or other of the British War Memorial Cemeteries.

ARTICLE IX

Requests for permission to erect, even outside a British War Memorial Cemetery, a commemorative monument designed to recall a feat of arms of the forces of His Majesty The King and Emperor or of any unit thereof, shall be presented by the Commission to the Egyptian Government for their consent.

Should a request of this nature be made direct to the Egyptian Government, the latter shall refer it to the Commission before giving any decision, and shall consider in agreement with the Commission what action shall be taken thereon.

ARTICLE X

All building material, stone, marble, tools or other stores required by the Commission from time to time for the construction of, or erection of monuments in or upon, the British War Memorial Cemeteries and War Graves, or for repair or replacement of existing materials, shall on production of the necessary certificates from the Commission's representative be admitted into Egypt by the Egyptian Government free of all Customs duties or dues.

ARTICLE XI

The Commission shall appoint a Committee with offices in Egypt to represent the Commission in Egypt in its relations with the Egyptian Authorities, and especially to exercise in the name of the Commission all or any of the rights reserved to it under the present agreement.

This Committee shall be competent to perform in the name of the Commission, and within the limits of the powers delegated to it by the latter, all civil acts necessary to enable it to fulfil its object.

ARTICLE XII

The Committee in Egypt referred to in the previous Article shall be called the "Anglo-Egyptian War Cemeteries Committee." It shall be composed of four Honorary Members, of whom two shall be British and two Egyptian, and of eight Official Members, of whom four shall be British and four Egyptian.

The Egyptian Members shall be appointed on the recommendation of the Egyptian Government, which shall be requested and transmitted through diplomatic channels.

The Honorary Members shall be chosen from persons who have won distinction in the Navy, the Army, the Air Force or the Civil Service, or in Letters, Art or Science.

The Egyptian Official Members shall be appointed in virtue of their official functions, and shall be regarded as appointed at the moment they assume office, and shall cease to form part of the Committee from the day when they vacate their said offices. The Egyptian Government undertakes to notify the Commission of all changes which may take place amongst the Egyptian Official Members.

The Commission shall appoint the Secretary of the Committee.

ARTICLE XIII

The agreement shall come into force on the day of its publication in the official journal of the Egyptian Government; the contracting Governments shall by agreement fix the date of this publication.

In witness whereof the undersigned duly authorized thereto have signed the present agreement and have affixed thereto their seals.

Done at Cairo in duplicate the second day of June, one thousand nine hundred and thirty-seven.

For the Government of Egypt:

(L.S.) MAHMOUD GHALEB

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(L.S.) MILES W. LAMPSON

For the Government of Canada:

(L.S.) MILES W. LAMPSON

For the Government of the Commonwealth of Australia:

(L.S.) MILES W. LAMPSON

For the Government of New Zealand:

(L.S.) MILES W. LAMPSON

For the Government of the Union of South Africa:

(L.S.) MILES W. LAMPSON

For the Government of India:

(L.S.) MILES W. LAMPSON

EXCHANGE OF NOTES

No. 1

*Mahmoud Ghaleb Pasha to Sir M. Lampson**Cairo, June 2, 1937.*

Sir,

WITH reference to the Agreement concluded on the 2nd day of June, 1937, between the Government of Egypt and the Governments of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and India respecting the British War Memorial Cemeteries and Graves in Egyptian territory, I take the opportunity of placing on record that the Egyptian Government agrees that in the first part of Article 1 and in Articles 3, 7 and 10 of the said Agreement, the words "British War Memorial Cemeteries" shall be deemed to include the Australian and New Zealand Memorial at Port Said and the Indian Memorial at Port Tewfik, and that the said Agreement shall have effect accordingly.

I avail, &c.

MAHMOUD GHALEB

Acting Minister for Foreign Affairs.

No. 2

*Sir M. Lampson to Mahmoud Ghaleb Pasha**British Embassy, Cairo, June 5, 1937.*

Sir,

I have the honour to acknowledge receipt of your Excellency's note of the 2nd June placing on record, with reference to the Agreement concluded on the 2nd day of June, 1937, between the Government of Egypt and the Governments of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and India respecting the British War Memorial Cemeteries and Graves in Egyptian territory, that the Egyptian Government agrees that in the first part of Article 1 and in Articles 3, 7 and 10 of the said Agreement the words "British War Memorial Cemeteries" shall be deemed to include the Australian and New Zealand Memorial at Port Said and the Indian Memorial at Port Tewfik, and that the said Agreement shall have effect accordingly.

I avail, &c.

MILES W. LAMPSON

Ambassador.

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CANADA

TREATY SERIES, 1938

No. 25

EXCHANGE OF NOTES

(August 12 and December 1, 1938)

REGARDING

CERTAIN PROVISIONS OF THE
TREATY OF NEUILLY (1919) AND THE
CONVENTION OF LAUSANNE REGARDING
THE FRONTIERS OF THRACE (1923)

BETWEEN

CANADA

AND

BULGARIA

IN FORCE DECEMBER 1, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

EXCHANGE OF NOTES

(August 12 and December 1, 1938)

REGARDING

CERTAIN PROVISIONS OF THE
TREATY OF NEUILLY (1919) AND THE
CONVENTION OF LAUSANNE REGARDING
THE FRONTIERS OF THRACE (1923)

BETWEEN

CANADA .

AND

BULGARIA

IN FORCE DECEMBER 1, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

**EXCHANGE OF NOTES (AUGUST 12 AND DECEMBER 1, 1938)
REGARDING CERTAIN PROVISIONS OF THE TREATY OF NEUILLY
(NOVEMBER 27, 1919) AND THE CONVENTION OF LAUSANNE
REGARDING THE FRONTIERS OF THRACE (JULY 24, 1923).**

*The President of the Council and Minister for Foreign Affairs of Bulgaria to
the British Chargé d'Affaires at Sofia*

(Translation)

MINISTRY OF FOREIGN AFFAIRS

SOFIA, August 12, 1938.

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honour to ask you to be so good as to bring to the knowledge of the Government of the United Kingdom, signatory of the Treaty of Neuilly and of the Convention regarding the Frontiers of Thrace, signed at Lausanne on the 24th July, 1923, that Bulgaria of the one part and Greece, Roumania, Turkey and Yugoslavia, as States members of the Balkan Entente, of the other part, have concluded and signed at Salonica on the 31st July last an Agreement to dispense, so far as these States are concerned, with the carrying out of the provisions contained in Part IV (Military, Naval and Air Clauses) of the Treaty of Neuilly, as well as the provisions contained in the Convention regarding the Frontiers of Thrace, signed at Lausanne on the 24th July, 1923.

The Salonica Agreement, of which a certified copy is attached, is the recognition by the States members of the Balkan Entente that Bulgaria has equal rights in the matter of armament. It indicates the confidence which exists in the relations between the Balkan States, and is a confirmation of their desire and willingness to collaborate in the consolidation of the peace of the Balkans.

In expressing its thanks to the Government of His Majesty for its benevolent interest, witnessed by the realization of this Agreement, which is a contribution to its efforts for the maintenance of peace, the Royal Government of Bulgaria ventures to hope that His Majesty's Government will agree to dispense, so far as it is concerned, with the carrying out of the said provisions contained in the Treaty of Neuilly and in the Convention concerning the Frontiers of Thrace, signed at Lausanne on the 24th July, 1923.

I shall be much obliged if your Government will be so good as to make the necessary communications to His Majesty's Governments in Canada and New Zealand, as well as the Governments of the Commonwealth of Australia, the Union of South Africa and India, as signatories of the Treaty of Neuilly.

I have, etc.,

G. KIOSSÉIVANOFF

(Translation)

AGREEMENT BETWEEN THE BALKAN ENTENTE AND BULGARIA

Taking into consideration:

That Bulgaria adheres to the policy of the reaffirmation of peace within the Balkans, and that she desires to share with the Balkan States relations of good neighbourliness and trustful collaboration, and

That the States of the Balkan Entente are inspired as regards Bulgaria by the same pacific spirit and the same desire for co-operation,

The undersigned:

His Excellency M. le Dr. Georges Kiosséivanoff, President of the Council of Ministers, Minister for Foreign Affairs of Bulgaria, of the one part, and

His Excellency M. Jean Metaxas, President of the Council of Ministers, Minister for Foreign Affairs of Greece, in his capacity as officiating President of the Permanent Council of the Balkan Entente, acting in the name of all the members of the Balkan Entente, of the other part,

Declare in the name of the States which they represent that these States undertake to abstain, in their mutual relations, from all recourse to force, in conformity with the agreements regarding non-aggression to which each of these States is a party, and that they agree, so far as they are concerned, to dispense with the carrying out of the provisions contained in Part IV (Military, Naval and Air Clauses) of the Treaty of Neuilly, as well as the provisions contained in the Convention regarding the Frontiers of Thrace, signed at Lausanne on the 24th July, 1923.

Done at Salonica, in duplicate, the 31st July, 1938.

G. KIOSSÉIVANOFF

J. METAXAS

The British Minister at Sofia to the Minister for Foreign Affairs of Bulgaria

BRITISH LEGATION

No. 164

SOFIA, 1st December, 1938.

YOUR EXCELLENCY,

With reference to Mr. Coote's note No. 112 of 13th August I have the honour to inform you that the contents of the note in which Your Excellency informed him of the Agreement concluded at Salonika on 31st July last between Bulgaria on the one part and Greece, Roumania, Turkey and Yugoslavia on the other were communicated to His Majesty's Government in Canada.

2. I have the honour at the instance of His Majesty's Government in Canada to inform Your Excellency that the Canadian Government for their part do not rely on the provisions contained in Part 4 (Military Clauses) of the Treaty of Neuilly or the provisions of the Convention signed at Lausanne on the 24th July, 1923, regarding the Thracian frontier.

I avail myself, etc.,

G. W. RENDEL

CANADA

TREATY SERIES, 1939

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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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TREATY SERIES, 1939

CLASSIFIED INDEX

GENERAL TREATIES TO WHICH CANADA IS A PARTY

No.	Nature of Instrument	Place and date of	
		Signature	Canadian Ratification (Deposit)
12	Convention. Suppression of the illicit traffic in dangerous drugs. Canada, Austria, Belgium, Brazil, Great Britain and Northern Ireland, India, Bulgaria, China, Colombia, Cuba, Denmark, Egypt, Ecuador, Spain, Estonia, France, Greece, Honduras, Hungary, Japan, Mexico, Monaco, Panama, Netherlands, Poland, Portugal, Roumania, Switzerland, Czechoslovakia, Union of Soviet Socialist Republics, Uruguay, Venezuela.	Geneva, June 26, 1936	Geneva, September 27, 1938

TREATIES, ETC., WITH THE FOLLOWING COUNTRIES IN ALPHABETICAL ORDER

No.	Nature of Instrument	Place and date of	
		Signature	Ratification (Exchange)
3	Guatemala. Trade Agreement.	Guatemala City, September 28, 1937	Guatemala City, December 15, 1938
6	Hungary. Convention regarding legal proceedings in civil and commercial matters. Extended to Canada as from April 1, 1939, by an Exchange of Notes.	Budapest, September 25, 1935	London, May 7, 1936
		Budapest, March 1 and 23, 1939	Not required
11	New Zealand. Trade Agreement. Extended until September 30, 1940, as modified in November 1935 and September, 1937.	Ottawa and Wellington April 23, 1932	Not required
2	South Africa. Exchange of letters. Modifying as from January 1, 1939, the Trade Agreement of August 20, 1932.	Ottawa, November 16, 1938	Not required
1	United Kingdom. Exchange of letters. Modifying as from January 1, 1939, the Trade Agreement of February 23, 1937.	Ottawa, November 16, 1938	Not required
5	United States. Exchange of Notes. Use of radio for civil aeronautical services.	Washington, February 20, 1939	Not required
8	United States. Trade Agreement.	Washington, November 17, 1938	Ottawa, June 17, 1939
9	United States. Exchange of Notes. Extending for one year as from July 1, 1939, the agreement of September 15-16, 1932, as amended in 1935, concerning flights of military aircraft.	Ottawa, June 22 and 23, 1939	Not required
10	United States. Exchange of Notes. Arrangement relating to air transport services.	Ottawa, August 18, 1939	Not required
13	United States. Exchange of Notes. Visits in uniform by members of defence forces.	Washington, March 7, April 5 and June 22, 1939	Not required
7	Uruguay. Exchange of Notes. Extending for six months as from May 1, 1939, the commercial "modus vivendi" of 1936.	Montevideo, May 1, 22, and 27, 1939	Not required
4	Yugoslavia. Convention regarding legal proceedings in civil and commercial matters. Extended to Canada as from February 1, 1939, by an Exchange of Notes.	London, February 27, 1936	Belgrade, June 18, 1937
		Belgrade, December 1 and 27, 1938	Not required

(CANADA)

TREATY SERIES, 1939

No. 1

EXCHANGE OF LETTERS

(November 16, 1938)

MODIFYING THE
TRADE AGREEMENT OF FEBRUARY 23, 1937

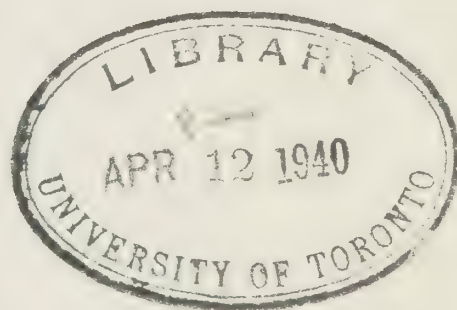
BETWEEN

CANADA

AND THE

UNITED KINGDOM

IN EFFECT JANUARY 1, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

EXCHANGE OF LETTERS

(November 16, 1938)

MODIFYING THE TRADE AGREEMENT OF FEBRUARY 23, 1937

BETWEEN

CANADA

AND THE

UNITED KINGDOM

IN EFFECT JANUARY 1, 1939



OTTAWA
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1940

EXCHANGE OF LETTERS (NOVEMBER 16, 1938) MODIFYING THE
TRADE AGREEMENT OF FEBRUARY 23, 1937 BETWEEN CANADA
AND THE UNITED KINGDOM.

(I)

The High Commissioner for the United Kingdom at Ottawa to the Secretary of
State for External Affairs of Canada

OTTAWA, November 16, 1938.

SIR,
As you are aware, we are now approaching finality in our trade agreement negotiations with the United States, and it is expected that an Agreement may be signed in the near future.

2. In view of the willingness to facilitate these negotiations expressed by His Majesty's Government in Canada in accordance with Article 16 of the Trade Agreement of 23rd February, 1937, during preliminary discussion on this matter between His Majesty's Governments in the United Kingdom and in Canada, the Agreement will provide for reduced duties on imports into the United Kingdom of United States goods on which the Canadian Government have agreed to waive their rights under the United Kingdom-Canada Trade Agreement to the extent indicated below:—

EX SCHEDULE III OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT
OF 1937

	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States
Wheat.....	Free
*Apples, raw.....	3s. per cwt. (16th August to 15th April inclusive)
Pears, raw.....	3s. per cwt. (1st August to 31st January inclusive)
Apples, preserved in syrup.....	2s. 3d. per cwt. (In addition to the rates of duty in respect of sugar content)
Honey.....	5s. per cwt.
Timber.....	**
Chilled or frozen salmon.....	¾d. per lb.
Patent leather not forming part of another article.....	7½ p.c. <i>ad valorem</i>

*Copy of Note to be addressed by the United States Secretary of State to His Majesty's Ambassador Washington regarding the marketing of apples and citrus fruits is attached (Annex A).
**Rates of duty are set forth in Annex B.

(The reduced rates of duty referred to above, which have been the subject of discussion with the Canadian Government will be included in Schedule I of the United Kingdom-United States Agreement.)

The Agreement will also provide for maximum preferential margins on importation of the articles specified in Annex C (Ex Schedule VI of the United Kingdom-Canada Trade Agreement of 1937) into the Colonies and Protectorates mentioned in that Annex. (These reduced preferential margins will be included in Schedule III of the United Kingdom-United States Agreement.)

3. It is understood that the consent accorded by the Canadian Government to the above-mentioned modifications of the United Kingdom-Canada Trade Agreement of 1937 is for the period during which the United Kingdom-United States Trade Agreement remains in force.

4. Similarly with a view to facilitating the negotiation of a further Trade Agreement between Canada and the United States, the United Kingdom Government agree to waive their rights under the United Kingdom-Canada Trade Agreement of 1937 to the extent necessary to permit of the inclusion in the forthcoming Canada-United States Trade Agreement, for the period during which the latter agreement is in force, of reduced duties, as indicated below, on imports of United States goods into Canada:—

EX SCHEDULE V OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT
OF 1937

No. of Canadian Tariff Item		Rate of Duty on Goods the Growth, Produce or Manu- facture of the United States
ex 208t	All chemicals and drugs, when of a kind not produced in Canada, which were on Aug. 20, 1932, dutiable at rates of 15, 25, and 25% under Tariff Item 711—	
	Bicarbonate of soda.....	12½ p.c.
	Remainder of item.....	17½ p.c.
ex 210	Bichromate, sulphite and chlorate of soda.....	12½ p.c.
383	Sheets, plates, hoop, band or strip, of iron or steel:— (b) Coated with tin, n.o.p.....	17½ p.c.
	(c) Coated with zinc, n.o.p.....	17½ p.c.
385a	Sheets, plates, hoop, band or strip, of rust, acid or heat resisting steels, hot or cold rolled, polished or not, valued at not less than five cents per pound.....	17½ p.c.
386	(m) (ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories.....	17½ p.c.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders.....	7½ p.c.
427b	Ball and roller bearings.....	17½ p.c.
ex 428e	Diesel and semi-diesel engines and complete parts thereof....	20 p.c.
438g	Motor cycles or side cars therefor, and complete parts of the foregoing.....	17½ p.c.
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n.o.p.	20 p.c.
ex 440l	Complete parts of aircraft.....	15 p.c.
476	(ii) Dental instruments of any material; surgical needles, X-ray apparatus; microscopes valued at not less than \$50 each, retail; complete parts of all the foregoing.....	Free

EX SCHEDULE VII OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT
OF 1937

No. of Canadian Tariff Item	—	Rate of Duty on Goods the Growth, Produce or Manu- facture of the United States
ex 87	(n) Tomatoes.....	1½ cents per pound

(The rates of duty referred to above will be included in Schedule I of the Canada-United States Trade Agreement.)

5. I should be glad to receive as soon as possible formal confirmation that the Canadian Government concur in the foregoing arrangements.

I have, etc.,

GERALD CAMPBELL

ANNEX A*

(See paragraph 2)

Apples and Citrus Fruits

*Copy of Note to be addressed by the United States Secretary of State to
His Majesty's Ambassador at Washington*

EXCELLENCY:

During the course of the negotiation of the Trade Agreement signed this day, it has been explained that the fruit growers of certain parts of the British Commonwealth, together with the United Kingdom producers, have for some time past cooperated in an organization called the Empire Fruits Council, which has made arrangements concerning the shipment of apples to the United Kingdom market from overseas, with the object of maintaining a stable and remunerative market in the interests of all concerned and of avoiding, in so far as possible, temporary periods either of oversupply or of shortage. It is understood that British Empire producers of citrus fruits are also represented in this Council.

It has been represented to me that the cooperation of the exporting interests in the United States, which is the only other major apple-exporting country, would be of great assistance in securing the orderly marketing of the crop and would be of no less benefit to them than to the other suppliers. I have the honor to inform you that the Government of the United States inclines to the view that it is in the general interest that the shipment of apples to the United Kingdom market should be so planned as to avoid excessive variations in supplies and prices, and that it will call the attention of United States exporting interests to the desirability of their cooperating with the Empire Fruits Council in such arrangements as may be feasible to assure the orderly supply of apples to the United Kingdom market.

In the foregoing connection, your attention is invited to legislation in effect (Public No. 39, 73rd Congress, approved June 10, 1933) which provides for the regulation of exports of apples (and pears) from the United States on the basis of grade or quality. Under this Act, the Department of Agriculture has issued regulations which require that all apples (and pears) shipped to foreign countries meet certain export standards. The effect of these regulations is to make large shipments of low-quality fruit to British or other foreign markets impossible.

I understand that up to the present no arrangements have been made for planning shipments of citrus fruits to the United Kingdom market, but that certain British Empire producers have expressed a desire for some form of arrangement for the orderly marketing of citrus fruits in the United Kingdom, with a view to avoiding disturbances resulting from sudden fluctuations in supplies. I have the honor to inform you that, in the event the principal supplying countries (including foreign countries) should agree to cooperate in arrangements for the orderly supply of citrus fruits to the United Kingdom market, the Government of the United States would call the attention of the United States exporters to the desirability of cooperating in any feasible arrangements to this end.

*The Hon. Cordell Hull, Secretary of State of the United States of America, signed this note to His Majesty's Ambassador in Washington on November 17, 1938.

ANNEX B

(See paragraph 2)

Rate of duty on certain kinds of sawn timber, the produce of the United States of America, provided for in Schedule I of the Trade Agreement between the United Kingdom and the United States of America.

Wood and timber of coniferous species, other than box-boards, railway sleepers and sleeper blocks, square sawn but not further prepared or manufactured:

Eleven inches or more in width throughout its length... 16s. per standard*

Other:

valued at £18 0s. 0d. or more per standard..... 16s. per standard

valued at £17 0s. 0d. or more per standard but less

than £18 0s. 0d. per standard..... 10 per cent *ad valorem* less one per cent *ad valorem* for each four shillings by which the value exceeds £16 16s. 0d. per standard.

Provided that if the Government of the United States notifies the Government of the United Kingdom that the tax imposed on the importation of lumber into the United States under Section 601 (c) (6) of the Revenue Act of 1932, as amended, has been removed; then, for so long as imports into the United States of lumber and timber described in Paragraph 401 of the Tariff Act of 1930 and originating in Canada are exempt from ordinary customs duties and charges in excess of 50 cents per thousand board feet, imports into the United Kingdom of wood and timber of coniferous species originating in the United States of America shall be accorded customs treatment as follows instead of that provided for above:—

Wood and timber of coniferous species, other than box-boards, railway sleepers and sleeper blocks, square sawn but not further prepared or manufactured:

Nine inches or more in width throughout its length and 15 feet or more in length..... Free

Other:

valued at £18 0s. 0d. or more per standard..... Free

valued at £16 4s. 0d. or more, but less than

£18 0s. 0d. per standard..... 10 per cent *ad valorem* less one per cent *ad valorem* for each four shillings by which the value exceeds £16 0s. 0d. per standard.

Provided further that, whenever for a period of any four consecutive months the average value of the imports into the United Kingdom from all countries of sawn softwoods (exclusive of planed or dressed softwoods), as now shown in the monthly Trade Returns of the United Kingdom under that heading, either exceeds £14 0s. 0d. per standard or is less than £10 0s. 0d. per standard; then, after consultation with the Government of the United States each of the value limitations set forth in all of the above concessions relating to wood and timber of coniferous species may be increased in the one case by £1 0s. 0d. per standard for each complete pound sterling by which such average value exceeds £13 0s. 0d. per standard or may be decreased in the other case by £1 0s. 0d. per standard for each complete pound sterling by which such average value is less than £11 0s. 0d. per standard; but the value limitations set forth in the above concessions shall be restored as soon as possible after the conditions which gave rise to these modifications no longer exist.

*The standard referred to throughout this paragraph is the standard of 165 cubic feet.

ANNEX C

(See paragraph 2)

EX SCHEDULE VI OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT

	Maximum margin of preference
CEYLON—Motor cars (including engines and chassis).....	7½ p.c. <i>ad valorem</i>
Motor lorries, vans, omnibuses and tractors, (including engines and chassis).....	7½ p.c. <i>ad valorem</i>
Other parts for motor cars and motor lorries, etc., except magnetos and splash proof accumulators.....	7½ p.c. <i>ad valorem</i>
HONG KONG—Motor cars.....	15 p.c. <i>ad valorem</i>
ALL TERRITORIES COMPRISED IN BRITISH MALAYA—Motor cars.....	15 p.c. <i>ad valorem</i>
ALL TERRITORIES COMPRISED IN BRITISH MALAYA (EXCEPT STRAITS SETTLEMENTS AND KEDAH)—Canned salmon, red, sockeye or blueback and silver.....	7½ p.c. <i>ad valorem</i>
MALTA—Motor cars (valued at over £100).....	15 p.c. <i>ad valorem</i>
Chassis of automobiles imported without bodies for industrial purposes (exclusive of parts).....	15 p.c. <i>ad valorem</i>
Parts and accessories for motor cars.....	15 p.c. <i>ad valorem</i>
THE BAHAMAS—Paints.....	6⅔ p.c. <i>ad valorem</i>
Vegetables, canned.....	6⅔ p.c. <i>ad valorem</i>
Oil, lubricating.....	4d. per gal.
Grease, lubricating.....	6⅔ p.c. <i>ad valorem</i>
Fresh fruit (except apples and fruits charged with duties under Schedule II of the Tariff Act, 1936).....	6⅔ p.c. <i>ad valorem</i>
Dried fruit.....	6⅔ p.c. <i>ad valorem</i>
Jams, jellies and preserved fruit.....	6⅔ p.c. <i>ad valorem</i>
Soap, common, washing.....	⅙d. per lb.
Stationery.....	6⅔ p.c. <i>ad valorem</i>
Toilet preparations including toilet soaps.....	6⅔ p.c. <i>ad valorem</i>
Shingles.....	2d. per 1,000 linear inches
Motor cars and trucks.....	15 p.c. <i>ad valorem</i>
Parts for motor cars and trucks (except tires).....	15 p.c. <i>ad valorem</i>
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air.....	5 p.c. <i>ad valorem</i>
BARBADOS—Electrical apparatus and appliances.....	10 p.c. <i>ad valorem</i>
Motor cars, trucks and vans and parts thereof (except tires).....	15 p.c. <i>ad valorem</i>
Lumber.....	\$2 per 1,000 ft.
BERMUDA—Hardware.....	7½ p.c. <i>ad valorem</i>
Electrical supplies.....	10 p.c. <i>ad valorem</i>
Eggs.....	1¼d. per doz.
Radios and accessories.....	10 p.c. <i>ad valorem</i>
Bacon and hams.....	2½ p.c. <i>ad valorem</i>

ANNEX C—*Conc.*

(See paragraph 2)

EX SCHEDULE VI OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT—*Conc.*

	Maximum margin of preference
BRITISH GUIANA—Lumber.....	\$2 per 1,000 ft.
BRITISH HONDURAS—Motor cars.....	15 p.c. <i>ad valorem</i>
Parts for motor cars.....	15 p.c. <i>ad valorem</i>
JAMAICA—Lumber.....	\$2 per 1,000 ft.
ANTIGUA—Lumber.....	\$2 per 1,000 ft.
TRINIDAD AND TOBAGO—Telegraph and telephone apparatus.....	10 p.c. <i>ad valorem</i>
Wireless goods and apparatus.....	10 p.c. <i>ad valorem</i>
Lumber.....	\$2 per 1,000 ft.
FIJI—Motor cars and parts thereof.....	15 p.c. <i>ad valorem</i>

(II)

*The Secretary of State for External Affairs of Canada to the High Commissioner
for the United Kingdom at Ottawa*

OTTAWA, November 16, 1938.

SIR,

I have the honour to acknowledge your letter of to-day's date setting forth the understanding of His Majesty's Government in the United Kingdom of the arrangements discussed between His Majesty's Governments in Canada and in the United Kingdom for the modification of the terms of the Canada-United Kingdom Trade Agreement of 1937, in accordance with the provisions of Article 17 thereof, with a view to facilitating the conclusion of Trade Agreements between the United States of America and the United Kingdom and between the United States and Canada. I desire on behalf of His Majesty's Government in Canada to confirm their agreement with the arrangements indicated in your letter and its enclosures.

I should be glad to receive the United Kingdom Government's formal confirmation of our understanding that they have waived until August 20th, 1940, their rights under Schedule I of the Canada-United Kingdom Trade Agreement of February 23rd, 1937, to impose a duty on eggs, poultry, butter, cheese and other milk products produced in and imported from Canada. At the same time I understand that they agree that no quantitative restrictions will be imposed on the importation into the United Kingdom of such products from Canada, unless imports should be such as to lead to instability in the market for those products in the United Kingdom.

I have, etc.,

W. L. MACKENZIE KING

(III)

The High Commissioner for the United Kingdom at Ottawa to the Secretary of State for External Affairs of Canada

OTTAWA, November 16, 1938.

SIR,

In acknowledging the receipt of your letter of to-day's date in regard to the United States trade negotiations I wish on behalf of His Majesty's Government in the United Kingdom to express their agreement with what is stated therein.

I have, etc.,

GERALD CAMPBELL

(IV)

The High Commissioner for the United Kingdom at Ottawa to the Secretary of State for External Affairs of Canada

OTTAWA, November 16, 1938.

SIR,

In my letter of to-day's date I referred to certain modifications of the United Kingdom-Canada Trade Agreement which His Majesty's Governments in the United Kingdom and in Canada have agreed to make in order to facilitate the conclusion of Trade Agreements between the United States and Canada and between the United States and the United Kingdom.

Apart from these modifications, which relate to United States goods specified in the schedules of the two Agreements about to be concluded, the negotiations have suggested the desirability of two further modifications of the United Kingdom-Canada Trade Agreement.

The United Kingdom Government understand that the Canadian Government would appreciate release from the obligation to maintain a fixed margin of preference on wrought iron (Item 377e—formerly ex 377a *et al.*) which appears to complicate unnecessarily the wording of a number of iron and steel items to be included in the Canada-United States Agreement. The United Kingdom Government for their part are accordingly prepared to agree to the deletion of this item from Schedule V to the United Kingdom-Canada Trade Agreement of 1937.

At the same time the United Kingdom Government, with a view to maintaining a proper relationship between sawn timber and the logs from which it may be sawn, would appreciate your consent to the extension to logs of certain dimensions of the rates of duty on wood and timber of coniferous species for which provision is to be made in Schedule I of the Trade Agreement between the United Kingdom and the United States of America. They accordingly propose to reduce the duty on wood and timber of coniferous species in logs neither end of which is less than 14 inches in mean diameter to 16s. per standard as from the date on which the Trade Agreement is to become effective (1st January, 1939). In the eventuality contemplated in the proviso to the concession (removal of the import excise tax on lumber imported into the United States of America) the United Kingdom Government propose to accord free entry to wood and timber of coniferous species in logs neither end of which is less than 12 inches in mean diameter and which are 15 feet or more in length.

I should be glad if you would be so good as to advise me whether the Canadian Government concur in the arrangements outlined above.

I have, etc.,

GERALD CAMPBELL

(V)

*The Secretary of State for External Affairs of Canada to the High Commissioner
for the United Kingdom at Ottawa*

OTTAWA, November 16, 1938.

SIR,

I have the honour to acknowledge the receipt of your letter of to-day's date enquiring whether His Majesty's Government in Canada concur in the arrangements outlined therein with regard to the modification of existing preferences on wrought iron and on wood and timber of coniferous species in logs of certain dimensions. I am glad to inform you in reply that the Canadian Government concur in the proposed arrangements.

I have, etc.,

W. L. MACKENZIE KING

Mr. Doc
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CANADA
—
TREATY SERIES, 1939
No. 2

EXCHANGE OF LETTERS

(November 16, 1938)

MODIFYING THE
TRADE AGREEMENT OF AUGUST 20, 1932

BETWEEN

CANADA

AND THE

UNION OF SOUTH AFRICA

—
IN EFFECT JANUARY 1, 1939



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(November 16, 1938)

MODIFYING THE TRADE AGREEMENT OF AUGUST 20, 1932

BETWEEN

CANADA

AND THE

UNION OF SOUTH AFRICA

IN EFFECT JANUARY 1, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

EXCHANGE OF LETTERS (NOVEMBER 16, 1938) MODIFYING THE
 TRADE AGREEMENT OF AUGUST 20, 1932, BETWEEN CANADA
 AND THE UNION OF SOUTH AFRICA

*The Secretary of State for External Affairs of Canada to the Accredited
 Representative of the Union of South Africa at Ottawa*

OTTAWA, November 16, 1938.

SIR,

In view of the willingness expressed by His Majesty's Government in the
 Union of South Africa to facilitate the trade negotiations between Canada and
 the United States by consenting to the modification of certain margins of prefer-
 ence guaranteed under the Canada-South Africa Trade Agreement of 1932, I
 have the honour to inform you that the new Agreement will provide for reduced
 duties on imports into Canada from the United States on a number of articles
 in respect of which the Union Government have agreed to waive their rights
 to the extent necessary to permit of the inclusion in the forthcoming Agreement,
 of the reduced duties indicated below on imports from the United States of
 America:—

EX SCHEDULE A OF THE CANADA-SOUTH AFRICA TRADE AGREEMENT

No. of Canadian Tariff Item	—	New Rate of Duty on Goods the Growth, Produce or Manufacture of the United States
55	Indian corn, n.o.p.....per bushel	10 cents
92 (i)	Quinces and nectarines.....June to February inclusive	10 p.c.
95	Cantaloupes and muskmelons.....	10 p.c.
101	Oranges, n.o.p.:— December to April, inclusive..... May to November, inclusive.....per cubic foot Provided that Canada reserves the right to substitute for the above item the following:—	Free 35 cts.
101	Oranges, n.o.p.:— January to July, inclusive..... August to December, inclusive.....per cubic foot	Free 35 cts.

The Canadian Government desire to record their intention of inviting
 Parliament at its forthcoming session to consolidate the three tariff items under
 which Indian corn is imported into Canada into one item on which the rates of
 duty would be free under the British Preferential Tariff, ten cents per bushel
 under the Intermediate Tariff and twenty cents per bushel under the General
 Tariff.

At the same time they wish to express again their appreciation of the
 willingness of the Government of the Union of South Africa to facilitate the
 successful conclusion of Canadian trade negotiations with the United States of
 America and to confirm their understanding that the modification thus effected
 in the Canada-South Africa Trade Agreement will be taken into consideration
 when that Agreement is revised.

I have, etc.

W. L. MACKENZIE KING

*The Accredited Representative of the Union of South Africa at Ottawa to the
Secretary of State for External Affairs of Canada*

OTTAWA, November 16, 1938.

SIR,

I have the honour to acknowledge receipt of your letter of the 16 November, and to confirm the willingness of His Majesty's Government in the Union of South Africa to facilitate the conclusion of a Trade Agreement between Canada and the United States of America by consenting to modifications in certain marginal preferences guaranteed under the Canada-South Africa Trade Agreement of 1932, as set out in your letter under reply.

I further beg to confirm the understanding that the modifications thus effected in the Canada-South Africa Trade Agreement will be taken into consideration when this Agreement comes up for revision.

I have, etc.

D. DE WAAL MEYER

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CANADA

TREATY SERIES, 1939

No. 3

TRADE AGREEMENT

BETWEEN

CANADA

AND

GUATEMALA

Signed at Guatemala City, September 28, 1937

Ratifications exchanged at Guatemala City, December 15, 1938

IN FORCE JANUARY 14, 1939



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TRADE AGREEMENT

BETWEEN

CANADA AND GUATEMALA

Signed at Guatemala City, September 28th, 1937

Ratifications exchanged at Guatemala City, December 15, 1938

IN FORCE JANUARY 14, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
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TRADE AGREEMENT BETWEEN CANADA AND GUATEMALA

The Government of Canada and the Government of Guatemala, desiring to further facilitate and develop the commercial relations existing between Canada and Guatemala, have resolved to conclude a Trade Agreement and for this purpose have agreed upon the following Articles:

ARTICLE 1

Canada and Guatemala will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either country shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of Canada or Guatemala and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which is or may hereafter be granted by Canada or Guatemala in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of Canada or Guatemala, respectively.

ARTICLE II

Neither Canada nor Guatemala shall establish any prohibition or maintain any restriction on imports from the territory of the other country which is not applied to the importation of any like article originating in any third country. Any abolition of an import prohibition or restriction which may be granted even temporarily by either country in favour of an article of a third country shall be applied immediately and unconditionally to the like article originating in the territory of the other country. These provisions equally apply to exports.

In the event of quantitative restrictions being established by either Canada or Guatemala for the importation of any article, it is agreed that in the allocation of the quantity of restricted goods which may be authorized for

CONVENIO COMERCIAL ENTRE EL CANADÁ Y GUATEMALA

El Gobierno del Canadá y el Gobierno de Guatemala, animados del deseo de dar mayores facilidades y extender las relaciones de comercio existentes entre el Canadá y Guatemala, han resuelto celebrar un Convenio Comercial y con tal objeto han convenido en los artículos siguientes:

ARTICULO I

El Canadá y Guatemala se conceden mutuamente el tratamiento incondicional e irrestringido de la nación más favorecida en todos los asuntos que se refieran a derechos aduaneros y cobros subsidiarios de toda naturaleza y en la manera de recaudar derechos, así como en todo lo que se refiera a los reglamentos, formalidades y cargas que se establezcan en conexión con la extracción de mercaderías de la aduana, y con respecto a todas las leyes y reglamentos que afecten la venta o el uso de mercaderías importadas dentro del país.

Por lo tanto, los productos naturales o manufacturados originarios de uno u otro país, no se someterán en ningún caso, con relación a los asuntos arriba mencionados, a derechos, contribuciones o cargas diferentes o más elevados, o a reglamentos o formalidades diferentes o más gravosos, a los que están sujetos o a los que se sujeten en lo futuro, productos similares originarios de cualquier otro tercer país.

Similarmente, los productos naturales o manufacturados exportados del territorio del Canadá o de Guatemala y consignados al territorio del otro país, no se someterán en ningún caso con respecto a la exportación y con relación a los asuntos arriba expresados, a ningunos derechos, contribuciones o cargas diferentes o más elevados, o a reglamentos o formalidades diferentes o más gravosos, a que están sujetos o a los que se sujeten en lo futuro, productos similares cuando se consignent al territorio de cualquier otro tercer país.

Cualquier ventaja, favor, privilegio o inmunidad que haya otorgado u otorgue después el Canadá o Guatemala con respecto a los asuntos arriba mencionados, a un producto natural o manufacturado originario de cualquier otro tercer país o consignado al territorio de cualquier otro tercer país, se acordarán inmediatamente y sin compensación alguna a los correspondientes productos originarios de o consignados, respectivamente, al territorio del Canadá o de Guatemala.

ARTICULO II

Ni el Canadá ni Guatemala establecerán prohibiciones ni fijarán restricciones sobre las importaciones procedentes del territorio del otro país, que no se apliquen a las importaciones de artículos similares originarios de cualquier tercer país. Toda abolición de una prohibición o restricción de importación que se conceda aun temporalmente por uno u otro país a favor de un artículo procedente de un tercer país, se aplicará inmediata e incondicionalmente a un artículo análogo originario del territorio del otro país. Dichas estipulaciones se aplican igualmente a las exportaciones.

En el caso de que se establezcan restricciones cuantitativas ya sea por el Canadá o por Guatemala para la importación de cualquier artículo, queda establecido que en el señalamiento de la cantidad de mercadería restringida

importation, the other country will be granted a share equivalent to the proportion of the trade which it enjoyed in a representative period prior to the establishment of such quantitative restrictions.

In all matters concerning the rules, formalities or charges imposed in connection with any form of quantitative restriction on the importation of any article, Canada and Guatemala agree to extend to each other every favour granted to a third country.

The advantages and provisions contained in the present article and in Article IV shall not be applicable to the importation, production or sale of matches, wax matches and lighters, in view of the existing laws in Guatemala on the monopoly of such goods.

ARTICLE III

Articles the growth, produce or manufacture of Canada or Guatemala shall, after importation into the other country be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to granting of national treatment shall not affect the laws now in force in Canada whereby leaf tobacco, spirits, beer, malt and malt syrup imported from abroad are subject to special taxes, nor shall they affect the applicability to goods produced or manufactured in Guatemala of special excise taxes imposed under existing provisions of the Special War Revenue Act. In these respects, however, most-favoured-nation treatment shall apply.

ARTICLE IV

In the event that the Government of Canada or the Government of Guatemala establishes or maintains an official monopoly or centralized agency for the importation of or trade in a particular commodity, the Government establishing or maintaining such monopoly or centralized agency will give sympathetic consideration to all representations that the other Government may make with respect to alleged discriminations against its commerce in connection with purchases by such monopoly or centralized agency.

ARTICLE V

The tariff advantages and other benefits provided for in this Agreement are granted by Canada and Guatemala to each other subject to the condition that if the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period prior to the establishment of any exchange control for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

que pueda autorizarse para importación, al otro país se le concederá una parte equivalente en proporción al comercio que gozaba en un período representativo anterior al establecimiento de dichas restricciones cuantitativas.

En todo asunto concerniente a los reglamentos, formalidades o cargas impuestas en conexión con toda forma de restricción cuantitativa sobre la importación de cualquier artículo, el Canadá y Guatemala se comprometen a extenderse mutuamente todo favor otorgado á un tercer país.

Las ventajas y previsiones contenidas en el presente artículo y en el artículo IV no serán aplicables a la importación, producción o venta de fósforos, cerillas y encendedores, en virtud de las leyes que rigen en Guatemala, sobre el estanco de dichas materias.

ARTICULO III

Los artículos cultivados, producidos o manufacturados en el Canadá o Guatemala, después de su importación en el otro país, estarán exentos de cualesquiera impuestos, contribuciones, cargas o exacciones internas, diferentes o mayores que los pagaderos sobre artículos análogos de origen nacional o de cualquier otro origen extranjero.

Las estipulaciones de este artículo con respecto a conceder el tratamiento nacional, no afectarán las leyes que actualmente estén en vigor en el Canadá, debido a las cuales el tabaco en rama, licores, cerveza, malta y jarabes de malta importados del extranjero, están sujetos a impuestos especiales, ni afectarán la aplicación a los productos naturales o manufacturados en Guatemala de contribuciones de sisa (*excise taxes*) especiales impuestas por las estipulaciones en vigencia de la Ley Especial de Impuesto de Guerra. Sin embargo, a este respecto, se aplicará el tratamiento de la nación más favorecida.

ARTICULO IV

En el caso de que el Gobierno del Canadá o de Guatemala establezca o mantenga monopolio oficial o agencia centralizada para la importación o venta de determinado artículo, el Gobierno que establezca o mantenga tal monopolio o agencia centralizada, considerará amistosamente las representaciones que haga el otro Gobierno con respecto a las parcialidades alegadas contra su comercio en conexión con compras por tal monopolio o agencia centralizada.

ARTICULO V

El Canadá y Guatemala se conceden mutuamente las ventajas de tarifa y demás beneficios estipulados en este Convenio, sujetos a la condición de que, si el Gobierno de uno u otro país, directa o indirectamente, estableciere o mantuviere alguna forma de control sobre el cambio extranjero, administrará tal control en forma que asegure a nacionales y comercio del otro país garantía de justa y equitativa parte en las asignaciones del cambio.

Respecto al cambio aprovechable para transacciones comerciales, se acuerda que, en la administración de cualquier forma de control de cambio extranjero, se regirá el Gobierno de cada país por el principio de que, hasta donde se pueda establecer aproximadamente la parte del total de cambio disponible que se asigne al otro país, no será menor que la parte empleada en período representativo anterior al establecimiento de cualquier control de cambio, para la liquidación de obligaciones comerciales a favor de nacionales de tal otro país.

El Gobierno de cada país considerará amistosamente cualesquiera representaciones que el otro Gobierno pueda hacer respecto a la aplicación de las estipulaciones de este artículo.

ARTICLE VI

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

ARTICLE VII

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favour of any third country where similar conditions prevail, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; (5) directed against mis-branding, adulteration, and other fraudulent practices, such as are provided for in the food and drug laws of either country; and (6) directed against unfair practices in import trade.

ARTICLE VIII

The advantages now accorded or which may hereafter be accorded by either country to adjacent countries in order to facilitate frontier traffic and advantages resulting from a customs union to which either country may become a party shall be excepted from the operation of this Agreement.

ARTICLE IX

The advantages now accorded, or which may hereafter be accorded, by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate, shall be excepted from the operation of this Agreement.

The advantages now accorded or which may hereafter be accorded by Guatemala to the commerce of Costa Rica, El Salvador, Honduras, Nicaragua or Panama, so long as any such advantage is not accorded to any other country shall be excepted from the operation of this Agreement.

ARTICULO VI

En caso de que el Gobierno de uno u otro país adopte cualquiera medida que, aunque sin contradecir los términos de este Convenio, se considere por el Gobierno del otro país como nulificando o perjudicando cualquiera de los objetos del Convenio, el Gobierno que haya adoptado tal medida considerará las representaciones y propuestas que el otro Gobierno pueda hacer con la mira de efectuar un arreglo mutuamente satisfactorio del asunto.

El Gobierno de cada país considerará amistosamente y a solicitud dará amplia oportunidad de consulta en relación con tales representaciones como el otro Gobierno pueda hacerle respecto al funcionamiento de las reglamentaciones de aduana, restricciones cuantitativas o su administración, observancia de formalidades aduaneras y aplicación de leyes sanitarias y disposiciones para protección de la vida humana, animal o vegetal.

ARTICULO VII

Nada de este Convenio se tomará como contrario a la adopción de medidas sobre prohibir o restringir la exportación o la importación de oro o plata, o para impedir la adopción de las medidas que uno u otro de los Gobiernos hallen oportunas para controlar la exportación o la venta para exportación de armas, municiones o implementos de guerra, y, en circunstancias excepcionales, de todo otro material de guerra.

De acuerdo con el requisito de que no habrá discriminación arbitraria de parte de un país contra el otro país a favor de un tercer país en donde existan condiciones similares, las estipulaciones de este Convenio no se aplicarán a prohibiciones o restricciones: 1) Impuestas con fundamentos morales o humanitarios; 2) Encaminadas a proteger la vida humana, animal o vegetal; 3) Relativas a efectos fabricados en prisiones; 4) Relativas al cumplimiento de leyes policíacas o fiscales; 5) Dirigidas contra falsos marbetes, adulteración y otras prácticas fraudulentas, como las establecidas en las leyes de alimentos y drogas de uno u otro país; y, 6) Encaminadas contra prácticas de mala fe en el comercio de importación.

ARTICULO VIII

Se exceptuarán de los efectos de este Convenio las ventajas ya acordadas o que en lo sucesivo se acordaren por uno u otro país, a países adyacentes para facilitar el tráfico fronterizo y las ventajas resultantes de una unión aduanera de que uno u otro país puedan formar parte.

ARTICULO IX

Se exceptuarán de los efectos de este Convenio las ventajas ya acordadas o que en lo sucesivo se acordaren por el Canadá exclusivamente a otros territorios bajo la soberanía de Su Majestad el Rey de la Gran Bretaña, Irlanda y los Dominios Británicos Allende los Mares, Emperador de la India, o bajo el dominio, protección o mandato de Su Majestad.

Se exceptuarán de los efectos de este Convenio las ventajas acordadas o que después acuerde Guatemala al comercio de Costa Rica, El Salvador, Honduras, Nicaragua o Panamá, mientras tales ventajas no se concedan a cualquier otro país.

ARTICLE X

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Guatemala as soon as possible. The Agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for a period of three years. In case neither Government shall have given to the other Government, at least six months before the expiration of the aforesaid period, notice of intention to terminate the Agreement, it shall remain in force thereafter until six months from such time as the Government of either country shall have given notice to the other Government.

In Witness Whereof, the undersigned, duly authorized to that effect, have signed the present Agreement and have affixed their seals hereto.

Done at Guatemala City this twenty-eighth day of September nineteen hundred and thirty-seven, in duplicate in English and Spanish, both texts being equally authentic.

(L.S.) J. H. S. BIRCH

ARTICULO X

El presente Convenio será ratificado y los instrumentos de ratificación se canjearán en Guatemala tan pronto como sea posible. El Convenio entrará en vigor treinta días después del canje de ratificaciones y estará en vigor durante el término de tres años. En caso de que ninguno de los Gobiernos haya notificado al otro Gobierno, por lo menos seis meses antes de la expiración del indicado plazo, su intención de terminar el Convenio, éste seguirá en vigor hasta los seis meses de la fecha en que el Gobierno de uno de los países haga la notificación al otro Gobierno.

En testimonio de lo cual, los infrascritos debidamente autorizados al respecto, firman y sellan el presente Convenio.

Hecho en duplicado, en los idiomas inglés y español, ambos textos auténticos, en la ciudad de Guatemala, a los veintiocho días del mes de septiembre de mil novecientos treinta y siete.

(L.S.) CARLOS SALAZAR

Div. Doc
Can
E

CANADA

TREATY SERIES, 1939
No. 4

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES

(December 1 and 27, 1938)

EXTENDING TO CANADA AS FROM FEBRUARY 1, 1939

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

HIS MAJESTY THE KING OF YUGOSLAVIA

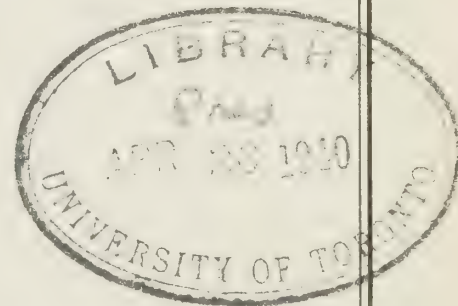
REGARDING

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at London February 27, 1936
Ratifications exchanged at Belgrade June 18, 1937



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940



Price, 25 cents

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES
(December 1 and 27, 1938)

EXTENDING TO CANADA AS FROM FEBRUARY 1, 1939

THE CONVENTION
BETWEEN
HIS MAJESTY
AND
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OTTAWA
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1939

EXCHANGE OF NOTES (DECEMBER 1 AND 27, 1938) REGARDING
THE EXTENSION TO CANADA AS FROM FEBRUARY 1, 1939, OF
THE CONVENTION OF FEBRUARY 27, 1936, BETWEEN HIS
MAJESTY AND HIS MAJESTY THE KING OF YUGOSLAVIA
REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL
MATTERS.

*The British Minister at Belgrade to the Minister of Foreign Affairs
of Yugoslavia*

BRITISH LEGATION

No. 169
(65/21/38)

BELGRADE, December 1, 1938.

MONSIEUR LE PRÉSIDENT,

At the instance of His Majesty's Government in Canada I have the honour to notify to you, in accordance with Article 18 (a) of the Convention regarding Legal Proceedings in Civil and Commercial Matters, which was signed in London on the 27th February, 1936, the accession of His Majesty to that convention in respect of Canada.

2. The attached list indicates in each case the authority to whom requests for service or for the taking of evidence should be transmitted, and the language in which communications and translations are to be made.

3. In accordance with Article 18 (a) of the Convention, the accession now notified will come into force two months from the date of this note, that is to say on the 1st February next.

4. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication,

I avail myself, etc.,

R. H. CAMPBELL

<i>Province or Territory</i>	<i>Authority and Address</i>	<i>Language</i>
Ontario	Attorney-General, Toronto	English
Quebec	Attorney-General, Quebec	English or French
Nova Scotia	Attorney-General, Halifax	English
Prince Edward Island	Attorney-General, Charlottetown	English
New Brunswick	Attorney-General, Fredericton	English
British Columbia	Attorney-General, Victoria	English

Manitoba	Attorney-General, Winnipeg	English
Saskatchewan	Attorney-General, Regina	English
Alberta	Attorney-General, Edmonton	English
North West Territories	Commissioner of the North West Territories, Ottawa	English
Yukon Territory	The Gold Commissioner of The Yukon Territory, Dawson City	English

*The British Minister at Belgrade to the Minister of Foreign Affairs of
Yugoslavia*

BRITISH LEGATION

No. 170
(65/22/38)

BELGRADE, December 1, 1938.

Monsieur le PRÉSIDENT,

With reference to my note of to-day's date relative to the accession by His Majesty in respect of the Dominion of Canada to the Civil Procedure Convention signed in London on the 27th February, 1936, I have the honour to inform Your Excellency that the operation of Article 12 of that Convention relating to security for costs is a matter of some difficulty having regard to the federal system of government operating in the Dominion.

2. As a result, judgments given by a provincial court are binding only in the province in which that court has jurisdiction; and it follows that immovable property owned by a litigant in one province of the Dominion will not be regarded as affording exemption from security for costs in respect of proceedings before a Court in another province.

3. I have therefore the honour, at the instance of His Majesty's Government in Canada, to propose that, in order that effect may be given in Canada to Article 12 (c) of the above mentioned Convention, the words "in that territory" in Article 12 shall, as regards the application of the Convention to Canada, be interpreted as relating to territory within the jurisdiction of the Court in which proceedings have been instituted.

4. I have further the honour to express the hope that this proposal will be acceptable to the Yugoslav Government and, in that event, to suggest that this note and Your Excellency's reply in a similar sense shall be regarded as placing on record the agreement reached in this matter.

I have, etc.,

R. H. CAMPBELL

The Minister of Foreign Affairs of Yugoslavia to the British Minister at Belgrade
(Translation)

MINISTRY OF FOREIGN AFFAIRS

P.N. 27345-Bri-72

BELGRADE, December 27, 1938.

Your EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's note No. 169/65/21/38 dated December 1, 1938, regarding the accession of His Britannic Majesty in respect of the Dominion of Canada to the Convention relating to mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with, or which it is anticipated may be dealt with, by their respective judicial authorities, concluded in London on February 27, 1936, as well as the receipt of a list of authorities to whom requests for service or for the taking of evidence should be addressed with indication of language in which communications are to be made or into which they have to be translated.

The accession will come into force, in accordance with Art. 18 (a) of the Convention, on February 1, 1939.

I take, etc.

DR. M. SPAHO m.p.

The Minister of Foreign Affairs of Yugoslavia to the British Minister at Belgrade
(Translation)

MINISTRY OF FOREIGN AFFAIRS

P.N. 27344-Bri-72

BELGRADE, December 27, 1938.

Your EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's note No. 170/65/22/38 dated December 1, 1938, and to inform you that the Royal Yugoslav Government agrees to the proposal made at the instance of His Britannic Majesty's Government in the Dominion of Canada to the effect that the words "in that territory," in Article 12 (b) of the Convention relating to mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with, or which it is anticipated may be dealt with, by their respective judicial authorities, concluded in London on February 27 1936, as regards the application of the Convention to Canada, shall be interpreted as relating to territory within the jurisdiction of the Court in which proceedings have been instituted.

Your Excellency's note and the present reply shall be regarded as an agreement reached in this matter.

I take, etc.

DR. M. SPAHO m.p.

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF YUGOSLAVIA REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS, SIGNED AT LONDON, FEBRUARY 27, 1936.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Yugoslavia by the Council of Regency,

Being desirous to render mutual assistance in the conduct of legal proceedings in civil and commercial matters which are being dealt with or which it is anticipated may be dealt with by their respective judicial authorities;

Have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

The Right Honourable Anthony Eden, M.C., M.P., His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Yugoslavia by the Council of Regency:

M. Slavko Grouitch, Envoy Extraordinary and Minister Plenipotentiary in London;

and

M. Milan Kugler, Judge of the Court of Cassation at Zagreb;

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

I.—Preliminary.

ARTICLE 1.

(a) Except where the contrary is expressly stated, this Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words:—

- (1) "territory of one (or of the other) High Contracting Party" shall be interpreted (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the Convention is in force by reason of extensions under Article 17 or accessions under Article 18; and (b) in relation to His Majesty the King of Yugoslavia, the Kingdom of Yugoslavia;
- (2) "persons" shall be deemed to mean individuals and artificial persons;
- (3) "artificial persons" shall be deemed to include partnerships, companies, societies and other corporations;
- (4) "nationals of a High Contracting Party" shall be deemed to include artificial persons constituted or incorporated under the laws of the territory of such High Contracting Party;
- (5) "nationals of one (or of the other) High Contracting Party" shall be deemed (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of

India, to mean all subjects of His Majesty wherever domiciled, and all persons under His protection; and (b) in relation to His Majesty the King of Yugoslavia all Yugoslavian citizens.

II.—*Service of Judicial and Extra-Judicial Documents.*

ARTICLE 2.

(a) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in Articles 3 and 4 in all cases where such method of service is recognised by the law of the country of origin.

(b) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to be effected.

ARTICLE 3.

(a) A request for service shall be addressed and sent by a Diplomatic or Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served either in duplicate or accompanied by a certified copy.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language in duplicate. Such translation shall be certified as correct by a Diplomatic or Consular Officer acting for the country of origin.

(d) Requests for service shall be addressed and sent:—

In England to the Senior Master of the Supreme Court of Judicature.
In Yugoslavia to the Ministry of Justice.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the request to the competent authority of the country of execution.

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this Article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Diplomatic

or Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been forwarded.

(h) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Diplomatic or Consular Officer by whom the request for service was sent. The certificate of service or of attempted service shall be placed on one of the duplicate documents or on the certified copy or attached thereto.

ARTICLE 4.

(a) Service may be effected, without any request to or intervention of the authorities of the country of execution, by any of the following methods:—

- (1) By a Diplomatic or Consular Officer acting for the country of origin;
- (2) Through the post.

(b) All documents served in the manner provided in (1) of the preceding paragraph shall, unless the recipient is a national of the High Contracting Party from whose territory the document to be served emanates, either be drawn up in the language of the country of execution or to be accompanied by a translation into such language, certified as correct as prescribed in Article 3 (c).

(c) The High Contracting Parties agree that in principle it is also desirable that the provisions of paragraph (b) of this article should apply to documents served in the manner provided in (2) of paragraph (a) of this Article. Nevertheless, in the absence of any legislation in their respective territories making translations obligatory in such cases, the High Contracting Parties do not accept any obligation in this respect.

(d) It is understood that the question of the validity of any service effected by the use of any of the methods referred to in paragraph (a) of this Article will remain a matter for the free determination of the respective courts of the High Contracting Parties in accordance with their laws.

ARTICLE 5.

(a) In any case where documents have been served in accordance with the provisions of Article 3, the High Contracting Party, by whose Diplomatic or Consular Officer the request for service was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Diplomatic or Consular Officer by whom the request was addressed, when sending to him the certificate provided for in Article 3 (h).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III.—*Taking of Evidence*

ARTICLE 6

(a) When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of

the other High Contracting Party, such evidence may be taken, whatever the nationality of the parties or witnesses may be, in any one of the ways prescribed in Article 7 or 8.

(b) In Part III of this Convention, the expressions—

- (1) "Taking of evidence" shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise; the submission to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings and the production, identification and examination of documents, samples or other objects.
- (2) "Witness" shall be deemed to include any person from whom any evidence, as defined above, is required to be taken.
- (3) "Country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required, and "country of execution," the country in which the evidence is to be taken.

ARTICLE 7

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Diplomatic or Consular Officer acting for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. They shall also either (1) be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced, identified or examined, and a translation thereof, certified as correct in the manner heretofore provided; or (2) shall request the competent authority to allow such questions to be asked *vivâ voce* as the parties or their representatives shall desire to ask.

(c) Letters of Request shall be transmitted—

In England by a Yugoslav Diplomatic or Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Yugoslavia by a British Consular Officer to the Ministry of Justice.

In case the authority to whom any Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the competent authority of the country of execution.

(d) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Diplomatic or Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested

party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

- (1) If the authenticity of the Letter of Request is not established;
- (2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;
- (3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Diplomatic or Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Diplomatic or Consular Officer by whom it was transmitted the necessary documents establishing its execution.

ARTICLE 8.

(a) The evidence may also be taken, without any request to or the intervention of the authorities of the country of execution by a Diplomatic or Consular Officer in that country acting for the country of origin appointed for this purpose by the court in that country.

(b) An officer so appointed to take evidence may request the individuals named by the court appointing him to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution. The attendance and giving of evidence before any such officer shall be entirely voluntary and no measures of compulsion shall be employed.

(c) Requests to appear issued by such officer shall, unless the recipient is a national of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country of execution or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognised by the law of the country of origin, and the parties will have the right to be present in person or to be represented by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

ARTICLE 9.

The fact that an attempt to take evidence by the method laid down in Article 8 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 7.

ARTICLE 10.

(a) Where evidence is taken in the manner provided in Article 7 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have

not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Diplomatic or Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 7 (h).

(c) Except as above provided no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—*Provisions relating to Equality of Treatment in Judicial Matters.*

ARTICLE 11.

Legal Protection and Access to the Courts of Justice.

(a) The nationals of one High Contracting Party shall enjoy in the territories of the other the same rights in respect of the legal protection of person and property, and shall have free access to the courts of justice for the prosecution or defence of their rights under the same conditions (including the taxes and fees payable), as nationals of the latter High Contracting Party.

(b) This Article applies to criminal as well as to civil and commercial matters.

ARTICLE 12.

Security for Costs.

(a) The nationals of one High Contracting Party resident in a territory of the other, where the proceedings are brought, shall not be compelled to give security for costs or court fees in any case where a national of such other High Contracting Party would not be so compelled in similar circumstances.

(b) The nationals of one High Contracting Party, resident outside the territory of the other, where the proceedings are brought, shall not be obliged to give security for costs or court fees in any case where they possess in that territory "immoveable property" or other property not readily transferable which is sufficient to cover these costs and fees.

(c) It is understood that the interpretation of the expressions "immoveable property" and "property not readily transferable" is a matter within the exclusive competence of the respective courts of the High Contracting Parties.

ARTICLE 13.

Free Legal Assistance.

(a) The nationals of one High Contracting Party shall enjoy in the territories of the other High Contracting Party a perfect equality of treatment with nationals of the latter High Contracting Party as regards free legal assistance for poor persons.

(b) The provisions of this Article apply to criminal as well as to civil and commercial matters, but do not apply to artificial persons.

ARTICLE 14.

Imprisonment for Debt.

(a) The nationals of one High Contracting Party shall not in the territories of the other High Contracting Party be liable to imprisonment as a means of execution for debt or as a conservatory measure in any case where the nationals of the other High Contracting Party would not be so liable.

(b) The provisions of this Article do not apply to artificial persons.

V.—*General Provisions.*

ARTICLE 15.

Any difficulties which may arise in connexion with the operation of this Convention shall be settled through the diplomatic channel.

ARTICLE 16.

The present Convention, of which the English and Yugoslav texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in Belgrade. The Convention shall come into force two months after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 17.

(a) This Convention shall not apply *ipso facto* to Scotland, Northern Ireland, the Channel Islands and the Isle of Man, nor to any of the Colonies, overseas territories or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories under His suzerainty, nor to any Mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom, but His Majesty may at any time, while this Convention is in force under Article 16 by a notification given through His Minister at Belgrade, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Article 7 are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such extension shall be two months from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 16 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (a) of this Article.

ARTICLE 18.

(a) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor

of India, may at any time, while the present Convention is in force, either under Article 16 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any other Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Majesty the King of Yugoslavia has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. The provisions of Article 17 (b) shall be applicable to such notification. Any such accession shall take effect two months after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under Article 16 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed the present Convention, in English and Yugoslav texts, and have affixed thereto their seals.

Done in duplicate at London, the 27th day of February, 1936.

(L.S.) ANTHONY EDEN

(L.S.) SLAVKO Y. GROUITCH

(L.S.) MILAN KUGLER

For Doc
Can
E

CANADA

—
TREATY SERIES, 1939

No. 5

EXCHANGE OF NOTES

(February 20, 1939)

REGARDING

THE USE OF RADIO FOR CIVIL
AERONAUTICAL SERVICES

BETWEEN

CANADA

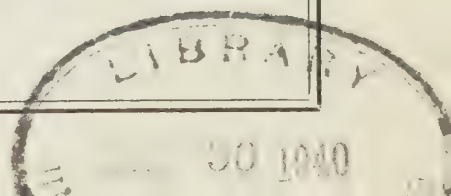
AND THE

UNITED STATES OF AMERICA

IN FORCE FEBRUARY 20, 1939



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940



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EXCHANGE OF NOTES (FEBRUARY 20, 1939) REGARDING THE USE OF RADIO FOR CIVIL AERONAUTICAL SERVICES BETWEEN CANADA AND THE UNITED STATES OF AMERICA.

*The Secretary of State of the United States of America to the Canadian
Minister at Washington*

DEPARTMENT OF STATE

WASHINGTON, February 20, 1939..

SIR,—I have the honour to refer to negotiations which have taken place between the Government of the United States of America and the Government of Canada for the conclusion of a United States-Canadian Regional Arrangement Governing the Use of Radio for Civil Aeronautical Services.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the Arrangement shall be as follows:

UNITED STATES-CANADIAN REGIONAL ARRANGEMENT GOVERNING THE USE OF RADIO FOR CIVIL AERONAUTICAL SERVICES

Article I

Scope.—The present arrangement between the United States and Canada concerns primarily the radio communication service of civil aeronautics and civil air navigation services. Except for Article XIII, the subject matter of this arrangement is confined to the frequencies 200–400 kc. and above 30,000 kc. Services other than civil aeronautical which may incidentally be involved from the standpoint of interference to and by the civil aeronautical radio services are treated in Article XVII. Nothing in this arrangement shall be construed as lessening in any manner or to any degree the rights enjoyed by the national defense services of either country.

Article II

Application.—Nothing in the present arrangement shall contravene the pertinent portions of the International Telecommunication Convention, Madrid, 1932; the radio regulations annexed thereto to which the parties to this arrangement have subscribed; the Inter-American Radio Communications Convention, Habana, 1937, and the Inter-American Arrangement on Radio Communications, Habana, 1937, or such documents as may supplant them as a result of subsequent conferences.

Article III

Standardization.—In order that international flying may be facilitated, the standardization and use of aeronautical radio facilities are provided for in this arrangement. Appendix I lists the standard classes of aeronautical radio aids approved for service operation.

Article IV

Geographical Spacing of Aeronautical Stations.—In accordance with the general principles governing the economical use of the available channels, assignments shall be duplicated with a minimum practicable geographical

separation between stations as determined by permissible ratio of interfering signal to desired signal, characteristics of the frequencies in use, and the areas of operation of the stations concerned.

Article V

Sharing of Channels.—The principle of the sharing of frequencies which are made available for aeronautical services by international convention is fully recognized, particularly, however, with respect to those allocated to such services by the Inter-American Arrangement Concerning Radio Communications, Habana, 1937. Recognition is given, however, to the priority of existing services as set forth in Article XVII and Appendix IV. In general, assignments to a new station shall be treated as an individual problem to be solved by engineering methods.

Article VI

Field Intensity.—In order that radio interference beyond the service area may be reduced to a minimum, radiated power should ordinarily be adjusted to a value consistent with a normal required field intensity within the prescribed area in which it is desired to render service.

BAND 200–400 KC.

Article VII

Geographical Spacing.—In the case of radio range stations in the band 200–400 k.c., the geographical spacing of the stations shall be not less than that prescribed in the curve shown in Appendix II. For powers other than four hundred watts, the distances shown in Appendix II shall be modified accordingly.

Article VIII

Standardization of Quadrant Signals.—For uniformity and for purpose of course orientation, the characteristic “N” shall be utilized in the quadrant through which the true north line passes, except when the northerly course is true north, in which case the characteristic signal “N” should be in the north-west and southeast quadrants. The “A” signal should always fall in the quadrants adjacent to those occupied by the “N” signal.

Article IX

Identification Signals.—The identification signal employed to identify individual radio range stations shall consist of two letters and shall be assigned without duplication. Where practicable, the signal used to establish the identity of radio facilities at any particular point should correspond to the designator for weather reports from the same station.

Article X

Spacing and Assignment of Channels.—The channel spacing for radio range transmitters in the band 200–400 kc. shall be 3 kc. and the radio range channels shall be as set out in Appendix IV.

The frequency assignments to the radio range stations in the United States and Canada shall be set out as in Appendix V.

BAND ABOVE 30,000 KC.

Article XI

Development in Communication.—It is recognized that many services of aeronautics may be accommodated in the band above 30,000 kc. It is further recognized that the use of such frequencies for aviation purposes is still on an experimental basis.

The Parties accordingly agree to co-operate in the development of the use of this ultra high frequency band so that frequencies of the same order may be used for similar purposes throughout the United States and Canada and that the table shown in Appendix III shall be used as a guide when making assignments in this band for aeronautical use.

Article XII

Ultra High Calling and Working Frequency.—If and when ultra high frequencies come into use for aeronautical purposes, 141,780 kc. shall be designated as a calling and working frequency from plane to ground.

GENERAL PROVISIONS

Article XIII

Normal Calling and Working Frequencies.—It is agreed that the United States and Canada will use 3105 kc. as the international calling and working frequency for use by itinerant aircraft and for emergency use by transport aircraft. 6210 kc. will also be used for secondary purposes as a calling and working frequency, available to itinerant and other aircraft by arrangement, when the circumstances are such as to make the use of 3105 kc. unsuitable.

Article XIV

Specific Allocation of Airport Control Frequency.—The frequency 278 kc. will continue to be used as an airport control frequency with the expectation that after January 1, 1939, no new assignments to airport control stations on this frequency will be made unless there is installed for simultaneous use facilities for operation on frequencies between 129 and 132 megacycles. It is further proposed that the use of 278 kc. for airport control purposes may be discontinued after January 1, 1940 and replaced by frequencies between 129 and 132 megacycles.

Article XV

Exchange of Information.—Information pertaining to civil aeronautics including frequency assignments, power, location of stations, identification signals and course orientation shall be exchanged directly between the administrative agencies of the two Parties.

Article XVI

Infringements.—The Parties undertake to inform each other concerning any infringement of the provisions of this arrangement in order to facilitate corrective action.

Article XVII

Services Other Than Civil Aeronautical.—

(a) *National Defence.*—This arrangement recognizes the paramount requirements of national defence as established by Article 39 of the International

Telecommunication Convention, Madrid, 1932, and by such national legislation in harmony therewith as has been or may in future be enacted.

(b) *Marine Radiobeacons* are recognized as operating in the United States and Canada in the band 285-315 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radiobeacons along the seacoasts and on the Great Lakes.

(c) *Marine Direction-Finding Service* is recognized as operating in the United States and Canada in the band 365-385 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radio direction-finding services.

(d) *Marine Communication Services* are recognized as operating in the United States and Canada on certain frequencies between 385 and 400 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine communication services.

CONCLUSION

Article XVIII

Abrogation.—It is mutually agreed that all existing informal undertakings between the Parties or the administrative agencies thereof with respect to radio allocations to aeronautical services provided for herein, are hereby superseded and become inoperative upon the effective date of this arrangement regardless of any contrary provisions for denunciation which may appear in such existing agreements.

Article XIX

Effective Date.—The effective date of this arrangement shall be established at the time of the exchange of notes effectuating it.

Article XX

Amendment.—The appendices to the present arrangement, but not the arrangement itself, may be amended by mutual agreement of the authorized agencies of the Parties hereto.

Article XXI

Denunciation.—The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

The appendices to the proposed arrangement, which, under the terms of Article XX thereof, may be amended by mutual agreement of the authorized agencies of the Parties thereto, are transmitted as enclosures to this Note.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become

effective as of the date of this Exchange of Notes. If your Government concurs in this suggestion, the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, etc.,

For the Secretary of State:

G. S. MESSERSMITH

[Enclosures]

APPENDIX I

STANDARD TYPES OF AERONAUTICAL RADIO AIDS APPROVED FOR SERVICE OPERATION

1. Aeronautical Stations (Air to ground and ground to plane)
2. Aeronautical point to point stations (Intermediate and High)
3. Airways Marker Stations

M: Marker Non-directional

FM: Marker Fan Type Ultra-High 100 watts

MO: Outer marker for instrument landings

MI: Inner marker for instrument landings.

4. Radio Range Station

SRA: Simultaneous transmission of range signals and voice (Adcock vertical radiators) Power 400 watts (Transmitter carrier output)

SMRA: Simultaneous transmission of range signals and voice (Adcock vertical radiators) Power 50 to 150 watts

RA: Range adcock vertical radiators. Power 400 watts

MRL: Range loop radiators. Power 50 to 100 watts

ML: Range loop radiators. Power less than 50 watts

Z: Cone of silence marker. UHF 5 watts.

Note: The addition of "B" to the above designators indicates that the station concerned broadcasts information on a regular schedule.

5. Airport Traffic Control Stations

15 watts on 278 KCS

100 watts on UHF.

6. Glide Path Station

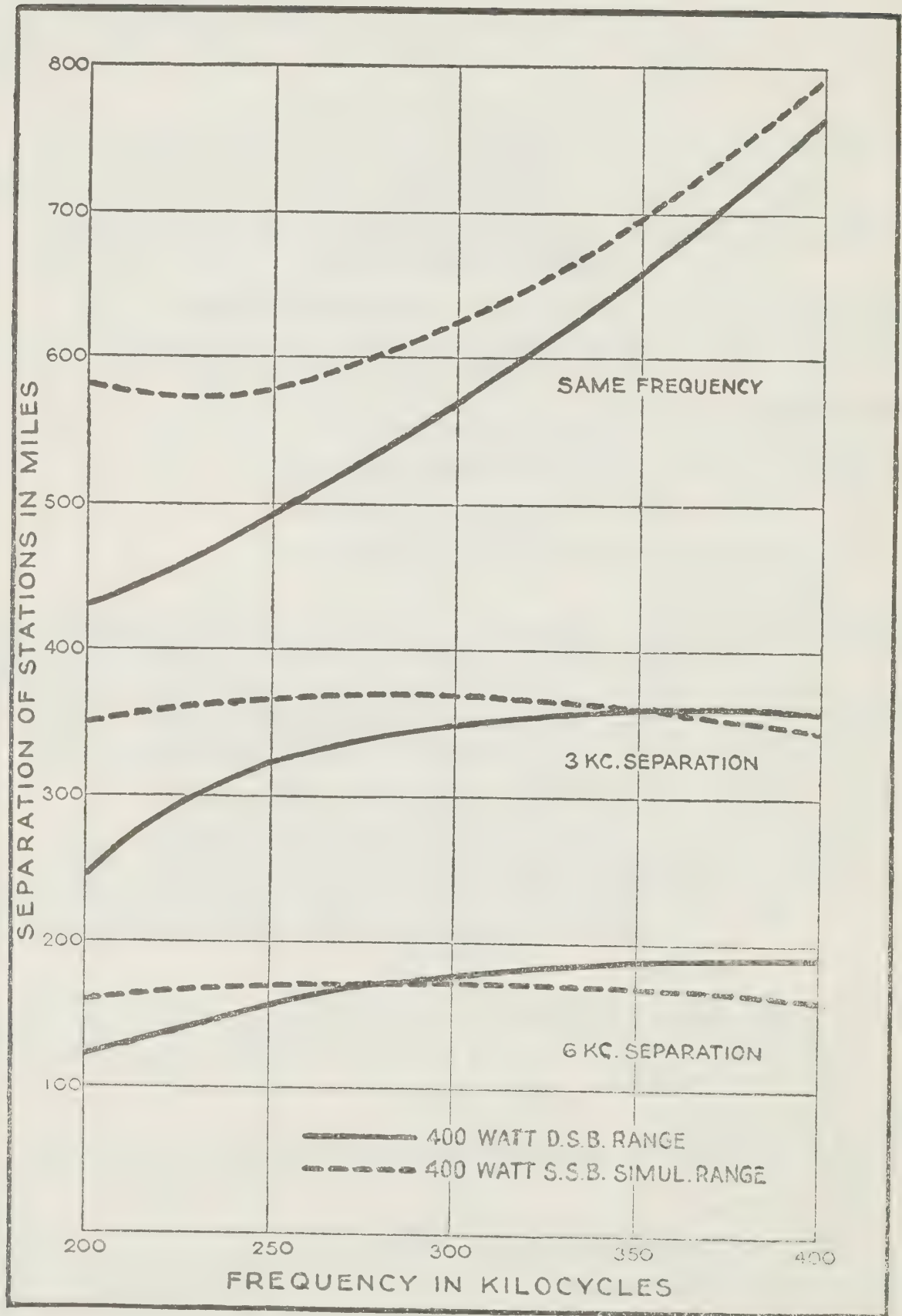
GP power 200 to 500 watts on UHF.

7. Localizer Station

GPL power up to 100 watts UHF.

8. Aviation Instruction Station.

APPENDIX II



APPENDIX III

ALLOCATION OF ULTRA HIGH FREQUENCIES FOR USE OF
AERONAUTICAL SERVICES

<i>Frequency in kc</i>	<i>Type of Service</i>	<i>Frequency in kc</i>	<i>Type of Service</i>
33,420	Aviation (Instructional Flying)	380	Radiotelephone and radio-teletype; ground to aircraft
35,580	Aviation	460	"
37,860	Aviation	620	"
39,060	Aviation	65,780	Marine and radiotelephone and radioteletype; ground to aircraft
60,180	Radiotelephone and radio-teletype ground to aircraft.	860	"
260	"	74,600	Guard
420	"	680	Guard
580	"	760	Guard
660	"	840	Guard
820	"	920	Guard
980	"	75,000	Aviation markers
61,060	"	080	Guard
220	"	160	Guard
380	"	240	Guard
460	"	320	Guard
620	"	400	Guard
780	"	93,500	Instrument Landing Glide Path
860	"	900	"
62,020	"	94,300	"
180	"	109,500	Instrument Landing Lateral Guidance (Localizers)
260	"	900	"
420	"	110,300	"
580	"	123,100	Airway Radio Range
660	"	200	"
820	"	300	"
980	"	400	"
63,060	"	500	"
220	"	600	"
380	"	700	"
460	"	800	"
620	"	900	"
780	"	124,000	"
860	"	100	"
64,020	"	200	"
180	"	300	"
260	"	400	"
420	"	500	"
580	"	600	"
660	"	700	"
820	"	800	"
980	"	900	"
65,060	"	124,000	"
220	"	100	"
		200	"
		300	"
		400	"
		500	"
		600	"
		700	"

<i>Frequency in kc</i>	<i>Type of Service</i>	<i>Frequency in kc</i>	<i>Type of Service</i>
800	Airway Radio Range	127,000*	Airway Radio Range
900	"	100*	"
125,000	"		
100	"	129,300	Airport Traffic Control
200	"	129,780	"
300	"	130,300	"
400	"	130,860	"
500	"	131,420	"
600	"	131,840	"
700	"		
800	"	132,120	Aviation
900	"	133,940	"
126,000*	"	135,200	"
100*	"	136,320	"
200*	"	137,020	"
300*	"	138,280	"
400*	"	138,980	"
500*	"	139,820	"
600*	"	140,520	"
700*	"	141,220	"
800*	"		
900*	"	141,780	Aviation U.S. & Canada Calling and Working.

*The national defence aeronautical services have priority. These frequencies may be used by civil aeronautical services on a secondary basis.

APPENDIX IV

ALLOCATIONS OF AND RESTRICTIONS ON CIVIL AERONAUTICAL FREQUENCIES BASED ON 400 WATTS CARRIER POWER

<i>Frequencies</i>	<i>Restrictions</i>	<i>Frequencies</i>	<i>Restrictions</i>
200	(C)	245	Not to be used within 800 miles of sea coast. (B) (E)
203	(C)		
206	Not to be used by the U.S. within 450 miles of Ed- monton. (D)	248	None
209	(A)	251	(A)
212	(A)	254	None
215	Not to be used within 800 miles of sea coast. (B) (E)	257	(A)
218	(A) (C)	260	None
221	(A) (C)	263	None
224	(A)	266	None
227	(A)	269	(A)
230	None	272	(A)
233	None	275	Not to be used within 800 miles of sea coast. (A) (B) (E)
236	None	278	None
239	None	281	Not to be used within 200 miles of sea coast or Great Lakes.
242	None	284	Not to be used within 400 miles of sea coast or Great Lakes.

<i>Frequencies</i>	<i>Restrictions</i>	<i>Frequencies</i>	<i>Restrictions</i>
287	Not to be used within 600 miles of sea coast or Great Lakes.	353	Not to be used within 500 miles of sea coast. (E)
290	"	356	Not to be used within 800 miles of sea coast. (B) (E)
293	"	359	Not to be used within 200 miles of sea coast.
296	"	362	None
299	"	365	Not to be used within 60 miles of sea coast. (B)
302	"	368	Not to be used within 400 miles of sea coast. (B)
305	"	371	Not to be used within 700 miles of sea coast. (B)
308	"	374	Not to be used within 1,000 miles of sea coast. (B)
311	"	376	Not to be used within 1,000 miles of sea coast. (B)
314	"	379	Not to be used within 700 miles of sea coast. (B)
317	Not to be used within 400 miles of sea coast or Great Lakes.	382	Not to be used within 400 miles of sea coast. (B)
320	Not to be used within 200 miles of sea coast or Great Lakes.	385	Not to be used within 60 miles of sea coast. (B)
323	Not to be used within 800 miles of sea coast. (B) (E)	388	Not to be used within 400 miles of sea coast. (B)
326	None	391	Not to be used within 400 miles of sea coast. (B)
329	None	394	Not to be used within 700 miles of sea coast. (B) (C)
332	None		
335	None		
338	None		
341	None		
344	(A)		
347	None		
350	None		

A. This or a frequency within 1 kilocycle is used by low powered stations in Alaska. Future assignments should not cause interference to these stations.

B. The use of this frequency for aeronautical purposes must not cause interference to marine services to which the frequency is primarily assigned. The mileage figure is given only as a guide and the aeronautical service can not claim protection from interference by marine services.

C. Frequencies 201, 219, and 396 KCS are used for special safety services throughout the continental United States and Alaska and are to be protected. Assignments on adjacent frequencies must not cause them interference.

D. This frequency is used by certain radio stations north of Edmonton and future assignments should not cause interference to these stations.

E. Interference to adjacent frequencies from mobile services afloat may be expected.

APPENDIX V

FREQUENCY ASSIGNMENTS TO RADIO RANGE STATIONS IN THE UNITED STATES
AND CANADA, AS OF JANUARY 14, 1938

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
200	(Army) Maxwell Field, Ala.	233	Long Beach, Calif.; Somerset, Pa.; Savannah, Ga.; Oakland, Calif.; (Oakland to go in when Long Beach is discontinued on 233) Butte, Mont.; Hope (Can.); Ft. William (Can.) Quebec (Can.)
203			
206	Les Vegas, Nev.; Mullan Pass, Idaho; Portland, Maine; Roanoke, Va.; Abilene, Texas; Roseburg, Ore.; Tampa, Fla.; Lansing, Mich.; Brownsville, Tex.	236	Vero Beach, Fla.; McCool, Ind.; Oakland, Calif.; (When simultaneous is installed)
209	McConnellsburg, Pa.; New Florence, Mo.; St. Louis, Mo.; Saugus, Calif.; Wyanoka, Okla.; Parco, Wyo.; Stampede Pass, Wash.; New Hackensack, N.Y.; Lac LaBiche (Can.)	239	Bangor, Maine; Chehalis, Wash.; Florence, S.C.; Meridian, Miss.; Montague, Calif.; Bakersfield, Cal.; Springfield, Ill.; Toledo, O.
212	Adair, Iowa; Des Moines, Iowa; Mercer, Pa.; Montezuma, Iowa; Delta, Utah; Tucumcari, N.M.; Charlotte, N.C.; Austin, Tex.; Coleman (Can.)	242	Alma, Ga.; Auburn, Calif.; Blue Canyon, Calif.; El Paso, Texas; Harrisburg, Pa.; Livermore, Calif.; Milwaukee, Wisc.; Oakland, Calif.; Potrero Hill, Calif.; Wagaming (Can.); Broadview (Can.); Cranbrook (Can.)
215	Custer, Mont.	245	(Navy) San Pedro, Calif.
218		248	Amarillo, Texas; Anderson, S.C.; Charlotte, N.C.; Granger, Wyo. (to go to 382 kc.); Mobile, Ala.; Spartanburg, S.C.; Strathburn (Can.); Terre Haute, Ind.; Wendover, Utah; Pagwa (Can.); Montreal (Can.); Vancouver (Can.); Lethbridge (Can.); Winnipeg (Can.); Ft. Smith (Can.); White Horse (Can.)
221	Augusta, Maine; South Bend, Ind.; Bristol, Tenn.; Baker, Ore.; Selkirk (Can.)		
224	Corpus Christi, Texas; Bellefonte, Pa.; Birmingham, Ala.; Brookville, Pa.; Davenport, Iowa; Livingston, Mont.; Montezuma, Iowa; Mt. Shasta, Calif.; Oceanside, Calif.; San Diego, Calif.; Sunbury, Pa.; Tacoma, Wash.; Woodward, Pa.; Moncton (Can.)		
227	Enterprise, Utah; Langley Field, Va.; Creston (Can.), Killaloe (Can.)		
230	Albuquerque, N.M.; Anton Chico, N.M.; Arlington, Ore.; Bismarck, N.D.; Boston, Mass.; Cascade Locks, Ore.; Detroit, Mich.; North Dalles, Wash.; Shreveport, La.; Langley Field, Va.; Waterways (Can.)	251	Blythe, Calif.; Concord, N.H.; Eugene, Ore.
		254	Cambridge, Ohio; Humboldt, Nev.; Pittsburgh, Pa.; Reno, Nev.; Rodeo, N.M.; San Antonio, Texas; Springfield, Mo.; Superior, Mont.; Titusville, Fla.; Halifax (Can.).

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
257	Floyd Bennett, N.Y.; Knoxville, Tenn.; Joliet, Ill.; Baltimore, Md.; Earlton (Can.).		Tylertown, Miss.; Laramie, Wyo.; Mormon Mesa, Nev.; Mt. Shasta, Calif.; Needles, Calif.; Rochester, N.Y.; Utica, N.Y.; Grand Rapids, Mich.; Lafayette, Indiana; Tyler, Texas.
260	Buffalo, N.Y.; Cherokee, Wyo.; Cozad, Neb.; Easton, Wash.; Jackson, Miss.; Los Angeles, Calif.; Ocean-side, Calif.; Palmdale, Calif.; Richmond, Va.; Seattle, Wash.; South Boston, Va.; Wink, Texas; Grand Island; Nebraska; Pembina, N.D.; New Glasgow (Can.).	281	Calgary (Can.).
263	Boston, Mass.; Medford, Ore.; Putnam, Conn.; Sexton Summit, Ore.; Scottfield, Ill. (Army); Galveston, Texas; Grantsville, Utah.	284	Big Springs, Neb.; Cozad, Neb.; Louisville, Ky.; North Platte, Neb.; Columbus, N.M.; Whitehall, Mont.
266	Adairsville, Ga.; Anderson, S.C.; Atlanta, Ga.; Camden, N.J.; Canadian, Texas; Hager City, Wis.; Indianapolis, Ind.; Jefferson, Ga.; Lafayette, Ind.; Minneapolis, Minn.; Winslow, Ariz.; Golva, N.D.; Livermore, Calif.; Edmonton (Can.); K a p u s k a s i n g (Can.).	287	
269	Ephrata, Wash.; Indio, Calif.; Connellsville, Pa. (War Dept.).	290	Granger, Wyo.; Otto, N.M.; Rock Springs, Wyo.; Chesterfield, Tenn.; Regina (Can.); Grand Forks (Can.).
272	Burley, Idaho; King Hill, Idaho; Little Rock, Ark.; Miami, Fla.; Pulaski, Va.; Sterling, Ill.; Strevell, Idaho; March Field (Army); Duncan Field, S.A. Texas (Army); Randolph Field, Texas (Army); Putnam, Conn.; Reay (Can.); Slave Lake (Can.).	293	
275		296	Drummond, Mont.; Tulsa, Okla.; Rivers (Can.).
278	Alexandria, Minn.; Ashfork, Ariz.; Effingham, Ill.; El Morro, N.M.; Grand Forks, N.D.; Greenwood, Miss.; Guadalupe Pass, Tex.; Kirksville, Mo.; Lone Rock, Wis.; Navasota, Texas; Neosho, Mo.; Pocatello, Idaho; Tucumcari, N.M.;	299	
		302	Locomotive Springs, Utah; Pueblo, Colo.; Ft. Leavenworth (Army) Battleford.
		304	Nashville, Tenn.; Monteagle, Tenn.
		305	
		308	Dickinson, N.D.; Missoula, Mont.; Anton Chico, N.M.
		311	
		314	Moran, Kansas; Sidney, Neb.; Malad, Idaho; Maple Creek (Can.); (to be replaced by Medicine Hat (Can.)); Swift Current, Sask. (Can.).
		317	Peace River (Can.); Advana, Mo.; Lynchburg, Va.; Gt. Falls, Mont.
		320	Adair, Iowa; Allentown, Pa.; Coeur d'Alene, Idaho; Goshen, Ind.; Helmer, Ind.; Martins Creek, Pa.; McCool, Ind.; Milford, Utah; Miles City, Mont.; Omaha, Neb.; Texarkana, Ark.; Sioux Lookout (Can.).
		323	
		326	Big Spring, Texas; Burlington, Iowa; Cheyenne, Wyo.; Jarvis, Ont. (Can.); Morse, Ill.; Phoenix, Ariz.; Williams, Calif.; Potrero Hill, Calif.;

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
	Pensacola (Navy); Mitchell Field (Army); Kenora (Can.); Saskatoon (Can.); Princeton (Can.); Blissville (Can.); Porquis (Can.); Lower Post (Can.).	359	Archbold, Ohio (to go to 278); Buckstown, Pa., (will be moved to Somerset); Idaho Falls, Idaho; Kansas City, Mo.; Knoxville, Mo.
329	Belgrade, Mont.; Hartford, Conn.; Charleston, S. C.; Ardmore, Okla.	362	Akron, Ohio; Tintic, Utah; Red Bluff, Calif.; Megan-tic (Can.).
332	Cascade Locks, Ore.; Casso-day, Kansas; Castle Rock, Wash.; Houston, Texas; Key West, Fla.; Portland, Ore.; Palmdale, Calif.; Washington, D.C.; Wichita, Kansas; Medicine Hat (Can.); Sorel (Can.); Na-kina (Can.); Ft. Nelson (Can.).	365	Albany, N.Y.; Ardmore, Okla.; Charlotte, N.C.; Columbiaville, N. Y.; Dagget, Calif.; Fargo, N.D.; Ft. Worth, Texas; Gainesville, Texas; Greensboro, N.C.; New Hackensack, N.Y.; Palm-dale, Calif.; Santo, Texas; So. Boston, Va.; Spokane, Wash.; Rantoul, Ill. (Army).
335	Cincinnati, Ohio; Milroy, Ind.; Warsaw, Ky.; Sacramento, Calif.; Oliver (Can.); Ot-tawa (Can.).	368	Aberdeen, Md.; Smith's Grove, Ky.; Akron, Col.; Toronto (Can.).
338	New Orleans, La.; Rockford, Ill.; Salt Lake City, Utah; Tucson, Ariz; Martinsburg, Pa.	371	Buffalo Valley, Nev.; Dun-kirk, N.Y.; Erie, Pa.; Ha-ger City, Wis.; LaCrosse, Wis.; Helena, Mont.; Memphis, Tenn.; Perry, Ohio; Acomita, N.M.
341	Adairsville, Ga.; Arlington, Ore.; Chattanooga, Tenn.; Dallas, Texas; Elizabeth, N.J.; La Grande, Ore.; Monteagle, Tenn.; Pendle-ton, Ore.; Santa Ana, Calif.	379	Columbia, Mo.; New Flor-ence, Mo.; Denver, Col.; Wright Field (Army) Dil-lon, Mont.
344	Brookville, Pa.; Cleveland, Ohio; Fresno, Calif.; Jack-sonville, Fla.; Jamestown, N. D.; Medicine Bow, Wyo.; Spring Bluff, Mo.; Vickery, Ohio; Warren, Ohio; Kelly Field, Texas (Army)	382	Knight, Wyo.
347	Gordonsville, Va.; Billings, Mont.; North Bay (Can.).	385	Blue C a n y o n , Calif.; Easton, Wash.; Ellens-burg, Wash.; Elmira, N.Y.; Peoria, Ill.; Waco, Texas; Donner Summit, Calif.; Macon, Ga.
350	Ardmore, Okla.; Boise, Idaho; Chicago, Ill.; King Hill, Idaho, Kingman, Ariz.; Lafayette, Ind.; Morse, Ill.; Oklahoma City, Okla.; Ra-leigh, N.C.; Syracuse, N.Y.; Weiser, Idaho.	388	D u b o i s, Idaho; Bolling Field (Army), March Field (Army), Selfridge Field (Army), Smithville, Tenn.; Enders, Neb.
353		391	Beowawe, Nev.; Cambridge, Ohio; Columbus, Ohio; Elko, Nev.; Hayesville, Ohio; Humboldt, Nev.; Lebo, Kansas; Ventosa, Nev.
356	Morse, Ill.	394	

Note:

FREQUENCIES NOT YET SELECTED FOR THE FOLLOWING STATIONS:

Sudbury (Can.)
Sault St. Mary (Can.)
Prescott (Can.)
Belleville (Can.)
Ft. Myer, Florida
Lewiston, Montana
Gardner, Kansas
Victoria, Va.
Saltillo, Texas
Brinkley, Arkansas
Arkadelphia, Arkansas
Monroe, Louisiana
St. Joseph, Missouri
Walla Walla, Washington
Deer Lodge, Montana
Bloomington, Illinois
Springfield, Mass.
Salem, Oregon
Kalamazoo, Michigan
Lincoln, Nebraska
Ponca City, Oklahoma
Flint, Michigan
Big Timber, Montana
Madison, Wisconsin
Mountain Home, Idaho
Twin Falls, Idaho
Ventosa, Nevada
St. Peter, Minnesota
West Union, Ohio
Sutton, W. Va.
Petersburg, W. Va.
Crowley, La.
Eldorado, Oklahoma
Barnett, Georgia
Glens Falls, New York
Rouses Point, New York
Everett, Washington
Wagon Mound, New Mexico
Lodge Grass, Montana
Upham, Texas
Conrad, Montana
Siam, California
Coldwater, Michigan
Sioux City, Iowa
Jackson, Minnesota
Huntington, W. Va.
Charleston, W. Va.
Elkin, W. Va.
Front Royal, W. Va.
Beaumont, Texas
Lake Charles, La.
Baton Rouge, La.

Claredon, Texas
 Wichita Falls, Texas
 Madison, Georgia
 Augusta, Georgia
 Ticonderoga, New York
 Burlington, Vermont
 Bellingham, Washington
 Santa Fe, New Mexico
 Trinidad, Colorado
 Las Vegas, New Mexico
 Sheridan, Wyoming
 Buffalo, Wyoming
 Casper, Wyoming
 Douglas, Wyoming
 Carancahua, Texas
 Socorro, New Mexico
 Sioux Falls, South Dakota
 Huron, South Dakota
 Aberdeen, South Dakota
 Bischof, North Dakota
 Ft. Wayne, Indiana
 Sweet Grass
 York, Pennsylvania
 Williamsport, Pa.
 Olean, New York
 Scotts Bluff, South Dakota
 Hot Springs, South Dakota
 Philip, South Dakota
 Pierre, South Dakota
 Brookings, South Dakota
 Redwood Falls
 Parkersburg, W. Va.
 South Rim, Arizona
 Pierces Ferry, Utah
 Death Valley, Calif.
 Independence, Calif.
 Millinocket, Maine
 Houlton, Maine
 Caribou, Maine
 Stockville, Nebraska

*The Canadian Minister at Washington to the Secretary of State of the
 . United States of America.*

No. 38

CANADIAN LEGATION, WASHINGTON, Feb. 20, 1939.

SIR:

I have the honour to acknowledge the receipt of your note of February 20th 1939 in which you communicated to me the terms of a Canadian-United States Regional Arrangement Governing the Use of Radio for Civil Aeronautical Services, as understood by you to have been agreed to in the negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

2. The terms of this Arrangement which you have communicated to me are as follows:

CANADIAN-UNITED STATES REGIONAL ARRANGEMENT GOVERNING
THE USE OF RADIO FOR CIVIL AERONAUTICAL SERVICES.

Article I.

Scope.—The present arrangement between Canada and the United States concerns primarily the radio communication service of civil aeronautics and civil air navigation services. Except for, Article XIII, the subject matter of this arrangement is confined to the frequencies 200-400 kc. and above 30,000 kc. Services other than civil aeronautical which may incidentally be involved from the standpoint of interference to and by the civil aeronautical radio services are treated in Article XVII. Nothing in this arrangement shall be construed as lessening in any manner or to any degree the rights enjoyed by the national defence services of either country.

Article II.

Application.—Nothing in the present arrangement shall contravene the pertinent portions of the International Telecommunication Convention, Madrid, 1932; the radio regulations annexed thereto to which the parties to this arrangement have subscribed; the Inter-American Radio Communications Convention, Habana, 1937, and the Inter-American Arrangement on Radio Communications, Habana, 1937 or such documents as may supplant them as a result of subsequent conferences.

Article III

Standardization.—In order that international flying may be facilitated, the standardization and use of aeronautical radio facilities are provided for in this arrangement. Appendix I lists the standard classes of aeronautical radio aids approved for service operation.

Article IV

Geographical Spacing of Aeronautical Stations.—In accordance with the general principles governing the economical use of the available channels, assignments shall be duplicated with a minimum practicable geographical separation between stations as determined by permissible ratio of interfering signal to desired signal, characteristics of the frequencies in use, and the areas of operation of the stations concerned.

Article V

Sharing of Channels.—The principle of the sharing of frequencies which are made available for aeronautical services by international convention is fully recognized, particularly, however, with respect to those allocated to such services by the Inter-American Arrangement Concerning Radio Communications, Habana, 1937. Recognition is given, however, to the priority of existing services as set forth in Article XVII and Appendix IV. In general, assignments to a new station shall be treated as an individual problem to be solved by engineering methods.

Article VI

Field Intensity.—In order that radio interference beyond the service area may be reduced to a minimum, radiated power should ordinarily be adjusted to a value consistent with a normal required field intensity within the prescribed area in which it is desired to render service.

BAND 200-400 KC.

Article VII

Geographical Spacing.—In the case of radio range stations in the band 200-400 kc., the geographical spacing of the stations shall be not less than that prescribed in the curve shown in Appendix II. For powers other than four hundred watts, the distances shown in Appendix II shall be modified accordingly.

Article VIII

Standardization of Quadrant Signals.—For uniformity and for purpose of course orientation, the characteristic "N" shall be utilized in the quadrant through which the true north line passes, except when the northerly course is true north, in which case the characteristic signal "N" should be in the northwest and southeast quadrants. The "A" signal should always fall in the quadrants adjacent to those occupied by the "N" signal.

Article IX

Identification Signals.—The identification signal employed to identify individual radio range stations shall consist of two letters and shall be assigned without duplication. Where practicable, the signal used to establish the identity of radio facilities at any particular point should correspond to the designator for weather reports from the same station.

Article X

Spacing and Assignment of Channels.—The channel spacing for radio range transmitters in the band 200-400 kc. shall be 3 kc. and the radio range channels shall be as set out in Appendix IV.

The frequency assignments to the radio range stations in Canada and the United States shall be set out as in Appendix V.

BAND ABOVE 30,000 KC.

Article XI

Development in Communication.—It is recognized that many services of aeronautics may be accommodated in the band above 30,000 kc. It is further recognized that the use of such frequencies for aviation purposes is still on an experimental basis.

The Parties accordingly agree to co-operate in the development of the use of this ultra high frequency band so that frequencies of the same order may be used for similar purposes throughout Canada and the United States and that the table shown in Appendix III shall be used as a guide when making assignments in this band for aeronautical use.

Article XII

Ultra High Calling and Working Frequency.—If and when ultra high frequencies come into use for aeronautical purposes, 141,780 kc. shall be designated as a calling and working frequency from plane to ground.

GENERAL PROVISIONS

Article XIII

Normal Calling and Working Frequencies.—It is agreed that Canada and the United States will use 3105 kc. as the international calling and working

frequency for use by itinerant aircraft and for emergency use by transport aircraft. 6210 kc. will also be used for secondary purposes as a calling and working frequency, available to itinerant and other aircraft by arrangement, when the circumstances are such as to make the use of 3105 kc. unsuitable.

Article XIV

Specific Allocation of Airport Control Frequency.—The frequency 278 kc. will continue to be used as an airport control frequency with the expectation that after January 1, 1939 no new assignments to airport control stations on this frequency will be made unless there is installed for simultaneous use facilities for operation on frequencies between 129 and 132 megacycles. It is further proposed that the use of 278 kc. for airport control purposes may be discontinued after January 1, 1940, and replaced by frequencies between 129 and 132 megacycles.

Article XV

Exchange of Information.—Information pertaining to civil aeronautics including frequency assignments, power, location of stations, identification signals and course orientation shall be exchanged directly between the administrative agencies of the two Parties.

Article XVI

Infringements.—The Parties undertake to inform each other concerning any infringement of the provisions of this arrangement in order to facilitate corrective action.

Article XVII

Services Other Than Civil Aeronautical.—

(a) *National Defence.*—This arrangement recognizes the paramount requirements of national defence as established by Article 39 of the International Telecommunication Convention, Madrid, 1932, and by such national legislation in harmony therewith as has been or may in future be enacted.

(b) *Marine Radiobeacons* are recognized as operating in Canada and the United States in the band 285-315 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radiobeacons along the seacoasts and on the Great Lakes.

(c) *Marine Direction-Finding Service* is recognized as operating in Canada and the United States in the band 365-385 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radio direction-finding services.

(d) *Marine Communication Services* are recognized as operating in Canada and the United States on certain frequencies between 385 and 400 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine communication services.

CONCLUSION

Article XVIII

Abrogation.—It is mutually agreed that all existing informal undertakings between the Parties or the administrative agencies thereof with respect to radio allocations to aeronautical services provided for herein, are hereby superseded and become inoperative upon the effective date of this arrangement regardless of any contrary provisions for denunciation which may appear in such existing agreements.

Article XIX

Effective Date.—The effective date of this arrangement shall be established at the time of the exchange of notes effectuating it.

Article XX

Amendment.—The appendices to the present arrangement, but not the arrangement itself, may be amended by mutual agreement of the authorized agencies of the Parties hereto.

Article XXI

Denunciation.—The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

3. I also acknowledge the receipt of the enclosures to your note under reference consisting of the appendices to the proposed Arrangement which under the terms of Article XX thereof may be amended by mutual agreement of the authorized agencies of the Parties thereto.

4. I am instructed to state that the terms of the Arrangement as communicated to me are agreed to by my Government. I am further instructed to inform you that my Government concurs in your suggestion that the Arrangement become effective as of the date of this Exchange of Notes and will accordingly regard it as becoming effective on that date.

I have, etc.,

HERBERT M. MARLER

Can
E
CANADA

TREATY SERIES, 1939

No. 6

NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES

(March 1 and 23, 1939)

EXTENDING TO CANADA AS FROM APRIL 1, 1939

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

THE REGENT OF THE KINGDOM OF
HUNGARY

REGARDING

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at Budapest, September 25, 1935

Ratifications exchanged at London, May 7, 1936



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

Price, 25 Cents



NOTIFICATION EFFECTED BY AN
EXCHANGE OF NOTES
(March 1 and 23, 1939)

EXTENDING TO CANADA AS FROM APRIL 1, 1939

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

THE REGENT OF THE KINGDOM OF HUNGARY

REGARDING

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS

Signed at Budapest, September 25, 1935

Ratifications exchanged at London, May 7, 1936



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

EXCHANGE OF NOTES (MARCH 1 AND 23, 1939) REGARDING THE
EXTENSION TO CANADA AS FROM APRIL 1, 1939, OF THE
CONVENTION OF SEPTEMBER 25, 1935, BETWEEN HIS MAJESTY
AND THE REGENT OF HUNGARY REGARDING LEGAL PRO-
CEEDINGS IN CIVIL AND COMMERCIAL MATTERS.

*The British Chargé d’Affaires at Budapest to the Royal Hungarian
Minister for Foreign Affairs*

No. 22
(18/7/39)

BRITISH LEGATION

BUDAPEST, March 1, 1939.

MONSIEUR LE MINISTRE,

At the instance of His Majesty’s Government in Canada I have the honour to notify to you, in accordance with Article 18(a) of the Convention regarding Legal Proceedings in Civil and Commercial Matters, which was signed in Budapest on September 25, 1935, the accession of His Majesty to that Convention in respect of Canada.

The attached list indicates in each case the authority to whom requests for service or for the taking of evidence should be transmitted, and the language in which communications and translations are to be made.

In accordance with Article 18(a) of the Convention, the accession now notified will come into force one month from the date of this note, that is to say on April 1 next.

In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication,

I avail myself, etc.,

A. GASCOIGNE

<i>Province or Territory</i>	<i>Authority and Address</i>	<i>Language</i>
Ontario... ..	Attorney-General, Toronto	English
Quebec... ..	Attorney-General, Quebec	English or French
Nova Scotia... ..	Attorney-General, Halifax	English
Prince Edward Island... ..	Attorney-General, Charlottetown	English
New Brunswick... ..	Attorney-General, Fredericton	English
British Columbia... ..	Attorney-General, Victoria	English
Manitoba... ..	Attorney-General, Winnipeg	English
Saskatchewan... ..	Attorney-General, Regina	English
Alberta... ..	Attorney-General, Edmonton	English
Northwest Territories... ..	Commissioner of the Northwest Territories, Ottawa	English
Yukon Territory	The Gold Commissioner of the Yukon Territory, Dawson City	English

*The British Chargé d'Affaires at Budapest to the Royal Hungarian
Minister for Foreign Affairs*

BRITISH LEGATION

No. 23
(18/8/39)

BUDAPEST, March 1, 1939.

MONSIEUR LE MINISTRE,

With reference to my note of today's date relative to the accession by His Majesty in respect of the Dominion of Canada to the Civil Procedure Convention signed in Budapest on September 25, 1935, I have the honour to inform Your Excellency that the operation of Article 12 of that Convention relating to security for costs is a matter of some difficulty having regard to the federal system of government operating in the Dominion.

As a result, judgments given by a provincial court are binding only in the province in which that Court has jurisdiction; and it follows that immovable property owned by a litigant in one province of the Dominion will not be regarded as affording exemption from security for costs in respect of proceedings before a Court in another province.

I have therefore the honour, at the instance of His Majesty's Government in Canada, to propose that, in order that effect may be given in Canada to Article 12(b) of the above-mentioned Convention, the words "in that territory" in Article 12 shall, as regards the application of the Convention to Canada, be interpreted as relating to territory within the jurisdiction of the Court in which proceedings have been instituted.

I have further the honour to express the hope that this proposal will be acceptable to the Hungarian Government and, in that event, to suggest that this note and Your Excellency's reply in a similar sense shall be regarded as placing on record the agreement reached in this matter.

I avail myself, etc.,

A. GASCOIGNE

*The Royal Hungarian Minister for Foreign Affairs to the British
Chargé d'Affaires at Budapest
(Translation)*

ROYAL HUNGARIAN MINISTRY OF FOREIGN AFFAIRS

76/res.-5
1939

BUDAPEST, March 23, 1939.

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honour to acknowledge receipt of the Note No. 22 (18/7/39) and its enclosure which you addressed to me on March 1.

The text of the note is as follows:

(Text of the note)

The text of the enclosure is as follows:

(Text of the enclosure)

Please accept, etc.

By order of the Minister

DANILOVICS
Head of Department of Ministry

*The Royal Hungarian Minister for Foreign Affairs to the British
Chargé d'Affaires at Budapest*

(Translation)

ROYAL HUNGARIAN MINISTRY OF FOREIGN AFFAIRS

77/res.-5
1939

BUDAPEST, March 23, 1939.

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honour to acknowledge receipt of the Note No. 23 (18/8/39) which you addressed to me on March 1.

The text of the note is as follows:

(Text of the note)

Please accept, etc.

By order of the Minister

DANILOVICS

Head of Department of Ministry

**CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM AND THE REGENT OF THE KINGDOM OF
HUNGARY REGARDING LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS (WITH A NOTE), SIGNED AT BUDA-
PEST SEPTEMBER 25, 1935.**

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Serene Highness the Regent of the Kingdom of Hungary: being desirous to render mutual assistance in the conduct of legal proceedings in civil and commercial matters, which are being dealt with or which it is anticipated may be dealt with by their respective judicial authorities; have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

The Honourable Sir Patrick William Maule Ramsay, K.C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Budapest;

His Serene Highness the Regent of the Kingdom of Hungary:

M. Kálmán Kánya de Kánya, Royal Hungarian Minister for Foreign Affairs;

Who having communicated their full powers, found in good and due form, have agreed as follows:—

I.—Preliminary

ARTICLE 1

(a) This Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words:

(1) "territory of one (or of the other) High Contracting Party" shall be interpreted (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the Convention is in force by reason of extensions under Article 17 or accessions under Article 18; and (b) in relation to His Serene Highness the Regent of the Kingdom of Hungary, Hungary;

(2) "persons" shall be deemed to mean individuals and artificial persons;

(3) "artificial persons" shall be deemed to include partnerships, companies, societies and other corporations;

(4) "subjects or citizens of a High Contracting Party" shall be deemed to include artificial persons constituted or incorporated under the laws of the territory of such High Contracting Party;

(5) "subjects or citizens of one (or of the other) High Contracting Party" shall be deemed (a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and all persons under His protection; and (b) in relation to His Serene Highness the Regent of the Kingdom of Hungary, all Hungarian citizens.

ARTICLE 2

Legal Protection and Access to the Courts of Justice

The subjects or citizens of one High Contracting Party shall enjoy in the territory of the other the same rights in respect of the legal protection of person or property and shall have free access to the courts of justice for the prosecution or defence of the rights under the same conditions (including taxes and fees payable) as subjects or citizens of the latter High Contracting Party.

II.—*Service of Judicial and Extra-Judicial Documents*

ARTICLE 3

(a) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, by any of the methods provided in Articles 4 or 5 in cases where these articles are applicable.

(b) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to be effected.

ARTICLE 4

(a) A request for service shall be addressed and sent by a Diplomatic or Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served together with a copy thereof.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language unless the competent authority of the country of execution declares that a translation is unnecessary. Such translation shall be certified as correct by a Diplomatic or Consular Officer acting for the country of origin or by an official or sworn translator of the country of execution or the country of origin.

(d) Requests for service shall be addressed and sent—

In England to the Senior Master of the Supreme Court of Judicature.
In Hungary to the Royal Hungarian Ministry of Justice.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the request to the competent authority of the country of execution.

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country; provided that, if the competent authority of the country of execution has declared the translation to be unnecessary

and no translation is sent, such authority may limit his action to effecting service by the transmission of the document to the recipient if he is willing to accept it.

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this Article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Diplomatic or Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been forwarded.

(h) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Diplomatic or Consular Officer by whom the request for service was sent. The certificate of service or of attempted service shall be placed on the copy or attached thereto.

ARTICLE 5

(a) This article does not apply to the service of documents on persons who are subjects or citizens of the High Contracting Party in whose territory the service is to be effected.

(b) Service may be effected, without any request to or intervention of the authorities of the country of execution, by any of the following methods:—

- (1) By a Diplomatic or Consular Officer acting for the country of origin;
- (2) Through the post.

(c) It is understood that the question of the validity of any service effected by the use of any of the methods referred to in paragraph (b) of this Article will remain a matter for the free determination of the respective courts of the High Contracting Parties in accordance with their laws.

ARTICLE 6

(a) In any case where documents have been served in accordance with the provisions of Article 4, the High Contracting Party, by whose Diplomatic or Consular Officer the request for service was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Diplomatic or Consular Officer by whom the request was addressed, when sending to him the certificate provided for in Article 4 (h).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III.—*Taking of Evidence*

ARTICLE 7

(a) When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of the other High Contracting Party, such evidence may be taken, in any one of the ways prescribed in Articles 8 or 9, in cases where these articles are applicable.

(b) In Part III of this Convention, the expressions—

(1) “taking of evidence” shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise; the submission to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings; and the production, identification and examination of documents, samples or other objects;

(2) “witness” shall be deemed to include any person from whom any evidence, as defined above, is required to be taken;

(3) “country of origin” shall be deemed to mean the country by whose judicial authority the evidence is required, and “country of execution” the country in which the evidence is to be taken.

ARTICLE 8

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Diplomatic or Consular Officer acting for the country of origin or by an official or sworn translator of the country of execution or of the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. They shall also either (1) be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced, identified or examined, and a translation thereof, certified as correct in the manner heretofore provided; or (2) shall request the competent authority to allow such questions to be asked *vivâ voce* as the parties or their representatives shall desire to ask.

(c) Letters of Request shall be transmitted—

In England by a Hungarian Diplomatic or Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Hungary by a British Diplomatic or Consular Officer to the Royal Hungarian Ministry of Justice.

In case the authority to whom any Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the competent authority of the country of execution.

(d) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is

expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Diplomatic or Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented, if they so desire, by any legal representatives who are competent to appear before the courts of the country of execution.

(f) The execution of a Letter of Request which complies with the preceding provisions of this Article can only be refused—

(1) If the authenticity of the Letter of Request is not established;

(2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;

(3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Diplomatic or Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority to whom it was transmitted or forwarded shall send to the Diplomatic or Consular Officer by whom it was transmitted the necessary documents establishing its execution.

ARTICLE 9

(a) The evidence may also be taken, without any request to or the intervention of the authorities of the country of execution by a Diplomatic or Consular Officer acting for the country of origin.

(b) The Diplomatic or Consular Officer may request the individuals named by the court of the country of origin to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution. The attendance and giving of evidence before such officer shall be entirely voluntary and no measures of compulsion shall be employed.

(c) The evidence may be taken in accordance with the procedure recognized by the law of the country of origin, and the parties will have the right to be present in person or to be represented by any legal representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

(d)* Unless and until a notification is given through the Diplomatic channel by the Hungarian Government, the provisions of this article will not apply to the taking of evidence from persons who are subjects or citizens of the High Contracting Party in whose territory the evidence is to be taken.

ARTICLE 10

The fact that an attempt to take evidence by the method laid down in Article 9 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with Article 8.

ARTICLE 11

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party, by whose judicial authority the Letter of Request was

* See note on page 13.

addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters, or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges and expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Diplomatic or Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in Article 8 (h).

(c) Except as above provided no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV.—*Judicial Assistance for Poor Persons, Security for Costs and Imprisonment for Debt*

ARTICLE 12

(a) The subjects or citizens of one High Contracting Party, resident in the territory of the other High Contracting Party where the proceedings are brought, shall not be compelled to give security for costs or court fees in any case where a subject or citizen of such other High Contracting Party would not be so compelled.

(b) The subjects or citizens of one High Contracting Party, resident outside the territory of the other where the proceedings are brought, shall not be obliged to give security for costs or court fees in any case where they possess in that territory immovable property, or other property of such a nature as not to be readily transferable, sufficient to cover the said costs or fees. It is understood that the expressions "immovable property" and "property not readily transferable" must be interpreted by the respective courts of the High Contracting Parties in accordance with their own laws.

ARTICLE 13

The subjects or citizens of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects or citizens of the latter High Contracting Party as regards free legal assistance for poor persons.

ARTICLE 14

The subjects or citizens of one High Contracting Party shall not, in the territory of the other, be liable to imprisonment as a means of execution for debt or as a conservatory measure, in any case where the subjects or citizens of the latter High Contracting Party would not be so liable.

V.—*General Provisions*

ARTICLE 15

Any difficulties which may arise in connection with the operation of this Convention shall be settled through the diplomatic channel.

ARTICLE 16

The present Convention, of which the English and Hungarian texts are equally authentic, shall be subject to ratification. Ratifications shall be exchanged in London. The Convention shall come into force one month after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 17

(a) This Convention shall not apply *ipso facto* to Scotland, Northern Ireland, the Channel Islands and the Isle of Man, nor to any of the Colonies, overseas territories or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, nor to any territories under His suzerainty, nor to any mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom, but His Majesty may at any time, while this Convention is in force, under Article 16 by a notification given through His Minister at Budapest, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 4 or Letters of Request under Article 8 are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such extension shall be one month from the date of such notification.

(c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 16 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (a) of this Article.

ARTICLE 18

(a) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may at any time, while this Convention is in force, either under Article 16 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to this Convention in respect of any other Member of the British Commonwealth of Nations whose Government may desire that such accession should be effected, provided that no notification of accession may be given at any time when His Serene Highness the Regent of the Kingdom of Hungary has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. The provisions of Article 17 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) of this Article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country

in respect of which a notification of accession has been given. The termination of the Convention under Article 16 shall not affect its application to any such country.

(c) Any notification of accession under paragraph (a) of this Article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed this Convention, in English and Hungarian texts, and have affixed thereto their seals.

Done in duplicate at Budapest the 25th day of September, 1935.

(L.S.) PATRICK RAMSAY

(L.S.) C. DE KÁNYA

NOTE

*The British Minister at Budapest to the Royal Hungarian Minister
for Foreign Affairs*

BRITISH LEGATION

BUDAPEST, September 25, 1935.

MONSIEUR LE MINISTRE,

With reference to Article 9 (d) of the Civil Procedure Convention signed to-day, His Majesty's Government in the United Kingdom recognise that the question of the giving of the notification, provided for in that paragraph, is a matter entirely within the discretion of the Hungarian Government, and that no assurance has been given that it will be possible for them to give this notification.

I avail, etc.,

PATRICK RAMSAY

Gov. Doc
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CANADA

TREATY SERIES, 1939

No. 7

EXCHANGE OF NOTES

(May 1, 22 and 27, 1939)

PROLONGING

FOR SIX MONTHS THE COMMERCIAL
"MODUS VIVENDI" OF 1936

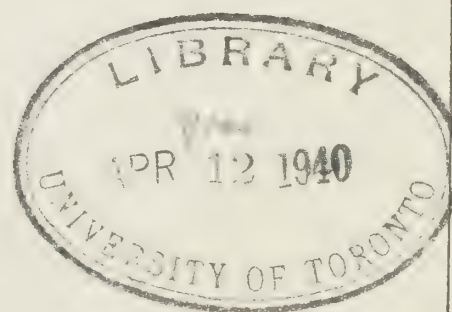
BETWEEN

CANADA

AND

URUGUAY

IN FORCE MAY 1, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

Price, 25 cents

EXCHANGE OF NOTES

(May 1, 22 and 27, 1939)

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FOR SIX MONTHS THE COMMERCIAL
"MODUS VIVENDI" OF 1936

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OTTAWA
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**EXCHANGE OF NOTES (MAY 1, 22 AND 27, 1939) PROLONGING FOR
SIX MONTHS THE COMMERCIAL "MODUS VIVENDI" OF 1936
BETWEEN CANADA AND URUGUAY**

*The British Minister at Montevideo to the Minister of
Foreign Affairs of Uruguay*

BRITISH LEGATION

No. 37

MONTVIDEO, May 1, 1939.

MONSIEUR LE MINISTRE,

I have the honour to refer to the Note from this Legation, No. 103, of the 18th November last regarding the renewal of the *Modus Vivendi* between Uruguay and Canada for six months dating from the 1st November, 1938—a period which terminated on the 30th April, 1939.

His Majesty's Government in Canada informed me on the 24th April that they were willing to extend the *Modus Vivendi* for another six months, subject to earlier termination by the coming into force of the Trade Agreement concluded between the two countries, and authorized me to propose such renewal should the Government of the Republic find it impossible to ratify the Trade Agreement before the end of April.

I understand that this has been the case but that Parliamentary consideration of the Trade Agreement will take place in the near future. In the circumstances, therefore, I submit to Your Excellency's consideration the above mentioned proposal for a further renewal of the *Modus Vivendi* from the 1st May for another six months.

The Canadian Government express the earnest hope that this long standing matter may soon be settled, in accordance with the belief expressed in Your Excellency's Note of the 24th October last that the requisite approval would be forthcoming.

I should be grateful to receive a reply at an early opportunity, for communication to the Canadian Government.

I avail myself, etc.,

E. MILLINGTON-DRAKE

*The Minister of Foreign Affairs of Uruguay to the
British Minister at Montevideo*

(Translation)

MINISTRY OF FOREIGN AFFAIRS

MONTVIDEO, May 22, 1939.

MONSIEUR LE MINISTRE,

With reference to your Excellency's Note, No. 37, of the 1st May, regarding the renewal of the *Modus Vivendi* between Uruguay and Canada concluded on the 12th August, 1936, I have pleasure in informing you that this Government accepts the extension of the above-mentioned *Modus Vivendi* for a further period of six months dating from the 1st of this month.

This period will, naturally, be subject to earlier termination by the coming into force of the Trade Agreement signed by the two countries, in regard to which this Department likewise hopes that it may be possible to bring the Agreement into force as soon as possible.

I am, etc.,

ALBERTO GUANI

*The British Minister at Montevideo to the Minister of
Foreign Affairs of Uruguay*

BRITISH LEGATION

No. 44

MONTVIDEO, May 27, 1939.

MONSIEUR LE MINISTRE,

I have the honour to inform Your Excellency that upon the receipt of your Note of the 22nd May I duly informed the Department of External Affairs at Ottawa that the Government of this Republic concurred in the proposal of the Canadian Government to extend the *Modus Vivendi* between the two countries for a further period of six months from the 1st May, subject to earlier termination by the coming into force of the Trade Agreement concluded between Uruguay and Canada on the 12th August, 1936.

In asking that this Note and Your Excellency's Note under reference shall be regarded as a formal declaration of the agreement of the Government of the Republic and of that of Canada to the extension in question, I avail myself, etc.

E. MILLINGTON-DRAKE

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CANADA

TREATY SERIES, 1939

No. 8

TRADE AGREEMENT

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

(AND RELATED DOCUMENTS)

Signed at Washington November 17, 1938

Ratification and Proclamation exchanged at Ottawa June 17, 1939

ARTICLE IX APPLIED ON AND AFTER NOVEMBER 26, 1938

ARTICLES I, VI AND VII APPLIED ON AND
AFTER JANUARY 1, 1939

ENTIRE AGREEMENT IN FORCE JUNE 17, 1939



OTTAWA
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TRADE AGREEMENT
BETWEEN
CANADA
AND THE
UNITED STATES OF AMERICA

Signed at Washington, November 17, 1938



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

Price, 25 cents.

CANADA-UNITED STATES TRADE AGREEMENT

Signed at Washington November 17, 1938

AND

RELATED DOCUMENTS

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TRADE AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and the President of the United States of America;

Desiring to facilitate and extend still further the commercial relations existing between Canada and the United States of America by granting reciprocal concessions and advantages for the promotion of trade;

Taking into account the absence of any restriction upon the settlement of commercial obligations arising out of the trade between Canada and the United States of America;

Have resolved to replace the Trade Agreement concluded between them on November 15, 1935, at Washington by a new and more comprehensive Agreement and have appointed for this purpose as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India:

for Canada:

THE RIGHT HONOURABLE W. L. MACKENZIE KING,
*Prime Minister, President of the Privy Council and Secretary of State for
External Affairs of Canada; and*

The President of the United States of America:

MR. CORDELL HULL,
Secretary of State of the United States of America;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following articles:

ARTICLE I

1. Canada and the United States of America will grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

2. Accordingly, articles the growth, produce or manufacture of either country imported into the other shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to

any rules or formalities other or more burdensome, than those to which the like articles the growth, produce or manufacture of any other foreign country are or may hereafter be subject.

3. Similarly, articles exported from the territory of Canada or the United States of America and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles when consigned to the territory of any other foreign country are or may hereafter be subject.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or the United States of America in regard to the above-mentioned matters, to any article originating in any other foreign country or consigned to the territory of any other foreign country shall be accorded immediately and without compensation to the like article originating in or consigned to the territory of the United States of America or Canada, respectively, and irrespective of the nationality of the carrier.

ARTICLE II

1. No prohibition or restriction shall be imposed or maintained on the importation into either country of any article, from whatever place arriving, the growth, produce or manufacture of the other country, to which the importation of the like article the growth, produce or manufacture of any other foreign country is not similarly subject.

2. No prohibition or restriction shall be imposed or maintained on the exportation of any article from either country to the other to which the exportation of the like article to any other foreign country is not similarly subject.

ARTICLE III

If imports of any article into either country should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by that country in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which the other country is a relatively large supplier of any such article, the Government of the country imposing the regulation shall, whenever practicable, consult with the Government of the other country before the share to be allocated to that country is determined.

ARTICLE IV

1. If either country establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular

commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

2. In awarding contracts for public works and in purchasing supplies, neither Government shall discriminate against articles the growth, produce or manufacture of the territories of the other country in favour of those of any other foreign country.

ARTICLE V

Articles the growth, produce or manufacture of Canada or the United States of America shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions, other or higher than those payable on like articles of national origin or any other origin, except as otherwise required by laws in force on the day of the signature of this Agreement and subject to the limitations on the authority of either Government.

ARTICLE VI

1. Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement shall, on their importation into Canada, be exempt from ordinary customs duties in excess of those set forth in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of Canada in force on the day of the signature of this Agreement.

2. Schedule I shall have full force and effect as an integral part of this Agreement.

ARTICLE VII

1. Articles the growth, produce or manufacture of Canada enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

2. Schedule II shall have full force and effect as an integral part of this Agreement.

ARTICLE VIII

1. The provisions of Articles VI and VII of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been produced or manufactured in whole or in part.

2. Moreover, the provisions of Articles VI and VII shall not be construed to embrace such reasonable fees, charges or exactions, imposed at any time by the Government of either country in connection with the documentation of any shipment, as are commensurate with the cost of the services performed.

ARTICLE IX

Sawed lumber and timbers, telephone, trolley, electric-light, and telegraph poles of wood, and bundles of shingles, the growth, produce or manufacture of Canada, imported into the United States of America, shall not be required to be marked to indicate their origin in any case where the imported article is of the same class or kind as articles which were imported into the United States of America in substantial quantities during the five-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate their origin.

ARTICLE X

1. No prohibition, restriction or any form of quantitative regulation, whether or not operated in connection with an agency of centralized control, shall be imposed or maintained in Canada on the importation or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, or in the United States of America on the importation or sale of any article the growth, produce or manufacture of Canada enumerated and described in Schedule II, except as otherwise expressly provided in the said Schedules.

2. The foregoing provision shall not apply to quantitative regulations in whatever form which may hereafter be imposed by the Government of either country on the importation or sale of any article the growth, produce or manufacture of the other, in conjunction with governmental measures or measures under governmental authority

- (a) operating to regulate or control the production, market supply, quality or price of the like article of domestic growth, production or manufacture; or
- (b) operating to increase the labour costs of production of the like article of domestic growth, production or manufacture;

Provided, however, that the Government proposing to impose any such quantitative regulation shall have satisfied itself, in the case of measures described in subparagraph (a) of this paragraph, that such quantitative regulation is necessary to secure the effective operation of such measures, and, in the case of measures described in subparagraph (b), that such measures are causing the domestic production of the article concerned to be injuriously affected by imports which constitute an abnormal proportion of the total consumption of such article in relation to the proportion supplied in the past by foreign countries.

3. Whenever either Government proposes to impose or to effect a substantial alteration in any quantitative regulation authorized by the preceding paragraph, that Government shall give notice in writing to that effect to the other and shall, upon request, enter into consultation regarding the matter. If agreement is not reached within thirty days after the receipt of the notice the Government giving it shall be free to impose or alter the regulation at any time, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on giving thirty days' notice in writing to that effect.

ARTICLE XI

In respect of articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, imported into Canada, and of articles the growth, produce or manufacture of Canada enumerated and described in Schedule II, imported into the United States of America, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, the general principles on which dutiable value is determined in each of the importing countries on the day of the signature of this Agreement shall not be altered so as to impair the value of any of the concessions provided for in this Agreement.

ARTICLE XII

1. Nothing in this Agreement shall be construed to prevent the enforcement of such measures as the Government of either country may see fit to adopt

- (a) relating to the importation or exportation of gold or silver;
- (b) relating to the control of the import or export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies;
- (c) relating to neutrality or to public security; or
- (d) should that country be engaged in hostilities or war.

2. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against articles the growth, produce or manufacture of the other country in favour of the like articles the growth, produce or manufacture of any other foreign country, the provisions of this Agreement shall not extend to prohibitions or restrictions

- (a) imposed on moral or humanitarian grounds;
- (b) designed to protect human, animal or plant health or life;
- (c) relating to prison-made goods; or
- (d) relating to the enforcement of police or revenue laws.

ARTICLE XIII

If a wide variation should occur in the rate of exchange between the currencies of Canada and the United States of America, and if the Government of either country should consider the variation so substantial as to prejudice the industries or commerce of that country, it shall be free to propose negotiations for the modification of this Agreement; and if agreement with respect thereto

is not reached within thirty days following receipt of such proposal, the Government making such proposal shall be free to terminate this Agreement in its entirety on thirty days' written notice.

ARTICLE XIV

The Government of each country reserves the right to withdraw or to modify the concession granted on any article under this Agreement, or to impose quantitative regulations on the importation of any such article if, as the result of the extension of such concession to other foreign countries, such countries obtain the major benefit of the concession, and if in consequence imports of the article concerned increase to such an extent as to threaten serious injury to domestic producers: Provided, that before any action authorized by the foregoing reservation is taken, the Government proposing to take such action shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action.

ARTICLE XV

1. Should any measure be adopted by the Government of either country which, while not conflicting with the terms of this Agreement, appears to the Government of the other country to have the effect of nullifying or impairing any of the objects of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other may make, with a view to effecting a mutually satisfactory adjustment of the matter.

2. The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs laws and regulations, quantitative restrictions on imports or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant health or life.

3. In the event that the Government of either country makes representations to the Government of the other country in respect of the application of any sanitary law or regulation for the protection of human, animal or plant health or life, and if there is disagreement with respect thereto, a committee of technical experts on which each Government will be represented shall, on the request of either Government, be established to consider the matter and to submit recommendations to the two Governments.

ARTICLE XVI

The provisions of this Agreement relating to the treatment to be accorded by Canada and the United States of America, respectively, to the commerce of the other country shall apply, on the part of the United States of America, to the continental territory of the United States and such of its territories and posses-

sions as are included in its customs territory on the day of the signature of this Agreement. The provisions of this Agreement relating to most-favoured-nation treatment shall apply, however, to all territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

ARTICLE XVII

Except as otherwise provided in Article V of this Agreement:

(a) Nothing in the Agreement shall entitle the United States of America to claim the benefit of any treatment, preference or privilege which may now or hereafter be accorded by Canada exclusively to territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, or under His Majesty's protection or suzerainty.

(b) Nothing in the Agreement shall entitle Canada to claim the benefit of any treatment, preference or privilege which may now or hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone exclusively to one another or to the Republic of Cuba. The provisions of this subparagraph shall continue to apply in respect of any benefits now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands, irrespective of any change in the political status of the Philippine Islands.

ARTICLE XVIII

1. The present Agreement shall be ratified by His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and shall be proclaimed by the President of the United States of America. It shall enter definitively into force on the day of exchange of the instrument of ratification and a copy of the proclamation, which shall take place at Ottawa as 'soon as possible.

2. Pending the definitive coming into force of this Agreement, the provisions of Article IX shall be applied provisionally on and after the day following the proclamation of the Agreement by the President of the United States of America, and the provisions of Article I, Article VI and Article VII shall be applied provisionally on and after January 1, 1939, subject to the reservations and exceptions elsewhere provided for in this Agreement.

3. Upon the provisional application of Article I, Article VI and Article VII of the present Agreement, and during the continuance of such provisional application, the provisions of Article I, Article III and Article IV of the Trade Agreement concluded between Canada and the United States of America on November 15, 1935, at Washington, shall be inoperative, and upon the definitive coming into force of the present Agreement the whole of the said Agreement of November 15, 1935, shall terminate.

4. Subject to the provisions of Article X and Article XIII, this Agreement shall remain in force for a term of three years from the date of the provisional application of Article IX, and, unless at least six months before the expiration

of the aforesaid term of three years the Government of either country shall have given notice to the other Government of intention to terminate the Agreement upon the expiration of that term the Agreement shall remain in force thereafter, subject to the provisions of Article X and Article XIII, until six months from the date on which the Government of either country shall have given notice to the other Government of intention to terminate the Agreement.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, at the City of Washington, this seventeenth day of November, 1938.

[L.S.] W. L. MACKENZIE KING

[L.S.] CORDELL HULL

SCHEDULE I

(See Article VI)

NOTE: Articles the growth, produce or manufacture of the United States of America enumerated and described in this Schedule shall, on their importation into Canada, be exempt from the Special Excise Tax levied under Section 88 of the Special War Revenue Act as soon as the necessary legislation can be enacted.

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
6	Live hogs.....per pound	1 ct.
7	Meats, fresh, n.o.p.:—	
	ex (a) Edible offal of beef and veal.....per pound	4 cts.
	ex (c) Pork.....per pound	1½ cts.
9	Poultry and game, n.o.p.....	15 p.c.
10	Meats, prepared or preserved, other than canned:—	
	(a) Bacon, hams, shoulders and other pork.....per pound	1½ cts.
	(b) N.o.p.....per pound	3 cts.
16	Eggs in the shell.....per dozen	5 cts.
42	Salt, in bulk, n.o.p.....per one hundred pounds	4 cts.
45	Milk foods, n.o.p.; prepared cereal foods, in packages not exceeding twenty-five pounds weight each.....	25 p.c.
46	Prepared cereal foods, n.o.p.....	15 p.c.
ex 47	Lima beans, dried.....per pound	1 ct.
ex 47	Soya beans, n.o.p.....	Free
52	Barley, n.o.p.....per bushel	15 cts.
55	Indian corn, n.o.p.....per bushel	10 cts.
56	Oats.....per bushel	8 cts.
57	Oatmeal and rolled oats.....per one hundred pounds	50 cts.
63	Rice, cleaned.....per one hundred pounds	70 cts.
	When in packages weighing two pounds, each, or less, the weight of such packages to be included in the weight for duty.	
71a	Timothy seed.....per pound	1 ct.
ex 73	Broom corn seed, when in packages weighing more than one pound each....	Free
74	Seeds, as hereunder, when in packages weighing more than one pound each:—	
	(i) Parsley and parsnip.....per pound	2 cts.
	(ii) Beet, not including sugar beet.....per pound	3 cts.
	(iii) Mangel and turnip.....per pound	4 cts.
75	Seeds, as hereunder, when in packages weighing more than one pound each:—	
	(i) Radish, leek, lettuce, carrot, borecole or kale.....per pound	3 cts.
	(ii) Cabbage and cucumber.....per pound	5 cts.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
76	Seeds, as hereunder, when in packages weighing more than one pound each:—	
	(i) Tomato and pepper.....per pound	10 cts.
	(ii) Cauliflower.....per pound	15 cts.
	(iii) Onion.....per pound	20 cts.
76a	Root, garden and other seeds, n.o.p., when in packages weighing more than one pound each.....per pound	5 cts.
76b	Seeds, viz.:—Field, root, garden and other seeds, when in packages weighing one pound each, or less.....	25 p.c.
79b	Flowers and foliage, natural, cut, whether in designs or bouquets or not, n.o.p.....	25 p.c.
82	ex (e) Nut trees, including grafted stock, and buds and scions for grafting nut trees.....	Free
83	Potatoes, as hereunder defined:—	
	(a) In their natural state:— August 1 to June 14, inclusive..... June 15 to July 31, inclusive, per one hundred pounds.....	Free 37½ cts.
	(c) Sweet potatoes and yams, in their natural state.....	Free
84	Onions, in their natural state:—	
	(a) Onion sets and shallots.....	30 p.c.
	*(b) Onions, n.o.p..... (½ ct. per lb.)	30 p.c.
ex 85	*Mushrooms, fresh..... (2 cts. per lb.)	10 p.c.
87	Vegetables, fresh, in their natural state:—	
	*(a) Asparagus..... (4 cts. per lb.: 10 weeks)	10 p.c.
	*(b) Beans, green..... (1½ cts. per lb.: 14 weeks)	10 p.c.
	(c) Brussels sprouts.....	10 p.c.
	*(d) Cabbage..... (½ ct. per lb.: 26 weeks)	10 p.c.
	*(e) Carrots..... (½ ct. per lb.: 26 weeks)	10 p.c.
	* Beets, n.o.p..... (1 ct. per lb.: 26 weeks)	10 p.c.
	*(f) Cauliflower..... (1½ cts. per lb.: 20 weeks)	10 p.c.
	Eggplant.....	Free
	*(g) Celery..... (½ ct. per lb.: 26 weeks)	10 p.c.
	*(h) Cucumbers..... (2 cts. per lb.: 20 weeks)	10 p.c.
	*(i) Lettuce..... (½ ct. per lb.: 18 weeks)	10 p.c.
	(j) Parsley.....	10 p.c.
	*(k) Peas, green..... (2 cts. per lb.: 12 weeks)	10 p.c.
	*(l) Rhubarb..... (1 ct. per lb.)	10 p.c.
	(m) Spinach.....	10 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
87	(n) Tomatoes..... but not less than, per pound..... (o) Watercress..... Whitloof or endive..... Peppers, green..... Radishes..... Artichokes, horseradish and okra..... (p) N.o.p.....	10 p.c. 1½ cts. 10 p.c. Free 10 p.c. 10 p.c. Free 10 p.c.
89	Vegetables, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:— (a) Beans, baked or otherwise prepared.....per pound ex (b) Corn.....per pound (c) Peas.....per pound (d) N.o.p.....	1½ cts. 1½ cts. 1½ cts. 20 p.c.
90	Vegetables, prepared or preserved:— (a) Dried, desiccated or dehydrated, including vegetable flour, n.o.p... (c) Vegetable extracts or juices, liquid mustards, soy and vegetable sauces of all kinds.....	22½ p.c. 27½ p.c.
92	Fruits, fresh, in their natural state:— *(a) Apricots.....March to December, inclusive (1½ cts. per lb.) *(b) Cherries..... (3 cts. per lb.: 7 weeks) (c) Cranberries..... but not less than, per pound *(d) Peaches.....May to November, inclusive (1½ cts. per lb.: 9 weeks) *(e) Pears.....May to January, inclusive (1 ct. per lb.: 15 weeks) *(f) Plums and prunes.....May to November, inclusive (Plums: 1 ct. per lb.: 10 weeks) (Prunes: 1 ct. per lb.: 8 weeks) *(g) Strawberries..... (1½ cts. per lb.: 6 weeks) * Raspberries and loganberries..... (2 cts. per lb.: 6 weeks) (h) Berries, edible, n.o.p..... (i) Quinces and nectarines.....June to February, inclusive	10 p.c. 10 p.c. 10 p.c. 1½ cts. 10 p.c. 10 p.c. 10 p.c. 10 p.c. 10 p.c. 10 p.c. 10 p.c. 10 p.c. 10 p.c.
93	*Apples, fresh, in their natural state..... (½ ct. per lb.)	15 p.c.
94	Grapes, fresh, in their natural state, the weight of the packages to be in- cluded in the weight for duty..July to January, inclusive....per pound	1 ct.
95	*Cantaloupes and muskmelons..... (1½ cts. per lb.: 8 weeks)	10 p.c.
95a	Melons, n.o.p.....each	2 cts.
96	Fruits, fresh, in their natural state, n.o.p.....	10 p.c.
ex 96	Avocados or alligator pears.....	Free

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
	<p>Provided, That, as regards such of those articles dutiable under tariff items 84, ex 85, 87, 92, 93 and 95, as are marked with an asterisk in this Schedule, Canada reserves the right to fix the value for duty at a figure exceeding the invoice value by not more than the amount set forth in the parentheses following the descriptions of the several articles;</p> <p>The values so fixed shall not be maintained in force in any twelve months ending March 31 for a period in excess of the number of weeks set forth in the parentheses following the descriptions of the several articles; provided, however, as regards articles dutiable under sub-items (d) and (e) of tariff item 87, the number of weeks during which the value so fixed may be maintained in force may be divided into not more than two separate periods, the combined duration of which shall not exceed the number of weeks set forth in the parentheses following the descriptions of the articles;</p> <p>Provided further, that Canada reserves the right, after consultation with the United States of America, to substitute, in whole or in part, for the system of protection of these fruits and vegetables by means of advances in values for duty purposes, a system of specific duties which shall not be more burdensome on imports from the United States of America than that provided for in this Agreement.</p>	
99a	Plums or prunes, dried, unpitted.....per pound When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	1 ct.
99b	Fruits, dried, desiccated, evaporated or dehydrated, n.o.p.....	15 p.c.
99d	Dates, dried, unpitted, in bulk.....per pound	½ ct.
99f	Figs, dried.....per pound When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	½ ct.
99g	Apricots, nectarines, pears and peaches, dried, desiccated, evaporated or dehydrated.....	22½ p.c.
100a	Grape fruit, n.o.p.....per pound	½ ct.
101	Oranges, n.o.p.:— December to April, inclusive..... May to November, inclusive.....per cubic foot Provided, That Canada reserves the right to substitute for the above item the following:—	Free 35 cts.
101	Oranges, n.o.p.:— January to July, inclusive..... August to December, inclusive.....per cubic foot	Free 35 cts.
101a	Lemons.....	Free
ex 105b ex 105c	Olives, ripe, in brine.....	10 p.c.
106	Fruits, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:— (a) Peaches.....per pound Apricots and pears.....per pound (b) Pineapples .....per pound (c) N.o.p.....per pound	3½ cts. 3 cts. 3 cts. 3 cts.
108	Honey, in the comb or otherwise, and imitations thereof.....per pound	1½ cts.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
ex 109	Nuts of all kinds, n.o.p., but not including shelled peanuts, n.o.p. . . per pound	1 ct.
ex 114	Nuts, shelled, n.o.p., but not including shelled almonds, peanuts or walnuts.....per pound	2 cts.
115	Mackerel, herring, salmon and all other fish, n.o.p., fresh, salted, pickled, smoked, dried or boneless.....per pound	½ ct.
116	Halibut, fresh, pickled or salted.....per pound	1 ct.
117 ex 133	Fish livers, fresh, salted or in preservative medium.....	Free
ex 123a	Shrimps in sealed containers.....	15 p.c.
124	Oysters, shelled, in bulk.....per gallon	5 cts.
128	Oysters in the shell.....	15 p.c.
141	Sugar candy and confectionery, n.o.p., including sweetened gums, candied popcorn, candied nuts, flavouring powders, custard powders, jelly powders, sweetmeats, sweetened breads, cakes, pies, puddings and all other confections containing sugar, the weight of the wrappings and cartons to be included in the weight for duty.....per pound	½ ct. and 30 p.c.
143a	Cigarettes, the weight of the paper covering to be included in the weight for duty.....per pound and	\$3.00 15 p.c.
ex 152	Fruit juices, n.o.p., not including lime, orange, lemon or passion fruit juices.	15 p.c.
ex 152	Fruit syrups, n.o.p.....	20 p.c.
ex 156	Whiskey (subject to the provisos attaching to tariff items 156 and 156a) .....per gallon of the strength of proof	\$6.00
ex 167	Barley malt, whole, crushed or ground, upon entry for warehouse subject to excise regulations.....per pound	½ ct.
169	Books, viz.:—Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, but not to include Christmas annuals, or publications commonly known as juvenile and toy books.....	10 p.c.
ex 169 ex 171 ex 184	Books, periodicals and pamphlets, or parts thereof, printed, bound, unbound, or in sheets, (not to include blank account books, copy books, or books to be written or drawn upon) in any other than the English language...	Free
ex 169 184a 184b 184c 184d	Periodical publications, unbound or paper bound, printed and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue.....	Free
ex 174	Tourist literature issued by national or state governments or departments thereof, boards of trade, chambers of commerce, municipal and auto- mobile associations, and similar organizations.....	Free
ex 178 ex 178a	Advertising and printed matter, whether imported by mail or otherwise, when in individual packages valued at not more than \$1.00 each and when not imported for sale or in a manner designed to evade payment of customs duties.....	Free
179	Labels for cigar boxes, fruits, vegetables, meats, fish, confectionery or other goods or wares; shipping, price or other tags, tickets or labels, and railroad or other tickets, whether lithographed or printed, or partly printed, n.o.p.....	27½ p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
180	Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, decalcomania transfers of all kinds, n.o.p., engravings or prints or proofs therefrom, and similar works of art, n.o.p.; blueprints, building plans, maps, and charts, n.o.p.....	20 p.c.
181	Bank notes, bonds, bills of exchange, cheques, promissory notes, drafts and all similar work, unsigned, and cards or other commercial blank forms printed or lithographed, or printed from steel or copper or other plates, and other printed matter, n.o.p.....	27½ p.c.
181a	Pictorial post-cards, greeting cards and similar artistic cards or folders...	30 p.c.
ex 184	Newspapers, unbound, n.o.p.; tailors', milliners' and mantle-makers' fashion plates, when imported in single copies in sheet form with periodical trade journals.....	Free
187	Albumenized and other papers and films chemically prepared for photographers' use, n.o.p.....	20 p.c.
192	Tarred paper and prepared roofings (including shingles), fibreboard, straw-board, sheathing and insulation, manufactured wholly or in part of vegetable fibres, n.o.p.; blotting paper, not printed nor illustrated....	22½ p.c.
192b	Sandpaper, glass or flint paper, and emery paper or emery cloth.....	20 p.c.
192d	Electrical insulating pressboard, not less than .040 inch in thickness.....	12½ p.c.
195	Paper hanging or wall papers, including borders or bordering.....	30 p.c.
197	Paper of all kinds, n.o.p.....	22½ p.c.
ex 197	Electric cable insulating paper, .0045 inch or less in thickness, and condenser tissue paper.....	10 p.c.
197b	Wrapping paper of all kinds, not pasted, coated or embossed.....	25 p.c.
198	Ruled and border and coated papers, boxed papers, pads not printed, papier-mâché ware, n.o.p.....	27½ p.c.
199	Papeteries, envelopes, and all manufactures of paper, n.o.p.....	27½ p.c.
199b	Containers wholly or partially manufactured from fibreboard or paper-board.....per pound	1 ct.
	Provided, that in no case shall the rate of duty be less than.....	25 p.c.
199c	Waxed stencil paper for use on duplicating machines.....	27½ p.c.
200	Pulp of wood, of straw or of any other vegetable fibre.....	Free
206a	Biological products, animal or vegetable, n.o.p., for parenteral administration in the diagnosis or treatment of diseases of man, when manufactured under licence of the Department of Pensions and National Health under regulations prescribed by the Food and Drugs Act; and biological products, animal or vegetable, n.o.p., for parenteral administration in the diagnosis or treatment of diseases of animals or poultry, when imported under permit of the veterinary director general.....	Free
ex 208	Sulphur and brimstone, crude or in roll or flour.....	Free
ex 208j	Nitrate of ammonia, when imported for use in the manufacture of nitrous oxide.....	10 p.c.
208t	All chemicals and drugs, when of a kind not produced in Canada, which were on August 20, 1932, dutiable at rates of 15, 25, and 25 p.c., under Tariff Item 711.....	17½ p.c.
ex 208t	Bicarbonate of soda.....	12½ p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
ex 208t	Methyl ethyl ketone; isopropyl acetate; butyl alcohol.....	25 p.c.
208u	Xanthates and sulpho-thio-phosphoric (dithio-phosphoric) compounds, for use in the process of concentrating ores, metals or minerals.....	Free
210	(i) Peroxide of soda; silicate of soda in crystals or in solution; nitrate of soda or cubic nitre, n.o.p.; sulphide of sodium; nitrite of soda; arseniate, binarsenate, bisulphite and stannate of soda; prussiate of soda....	15 p.c.
	(ii) Bichromate, sulphite and chlorate of soda.....	12½ p.c.
210e	Nitrate of soda or cubic nitre when imported for use as a fertilizer or as a flux in the reduction of electrolytic copper slimes, or for use in the curing and pickling of meats or in the manufacture of vitreous glazes and enamel frits, or when imported by manufacturers of explosives for use exclusively in the manufacture of explosives, in their own factories....	Free
212	Sulphate of alumina or alum cake; and alum in bulk, ground or unground, but not calcined.....	15 p.c.
216	Acids, n.o.p., of a kind not produced in Canada.....	20 p.c.
216d	Phthalic anhydride, adipic, abietic, maleic and succinic acids and ethylene glycol, when imported by manufacturers of synthetic resins, for use exclusively in the manufacture of synthetic resins, in their own factories..	Free
219a	Non-alcoholic preparations or chemicals, for disinfecting, dipping, spraying or fumigating, n.o.p.:—	
	(i) When in packages not exceeding three pounds each, gross weight	22½ p.c.
	(ii) Otherwise.....	7½ p.c.
219d	Sulphuric ether; chloroform, n.o.p.; preparations of vinyl ether for anaesthetic purposes.....	20 p.c.
220	All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, filled gelatine capsules, tablets, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n.o.p.:—	
	(a) When dry.....	20 p.c.
	(b) Liquid, when containing not more than two and one-half per centum of proof spirit.....	27½ p.c.
	Provided that drugs, pill-mass and preparations, not including pills or medicinal plasters, recognized by the British or United States pharmacopoeia, the Canadian Formulary or the French Codex as officinal, shall not be held to be covered by this item.	
220	ex (b) Dextrose (glucose) solutions, prepared, for parenteral administration in therapeutic treatments.....	Free
ex 228	Soap powders, powdered soap, mineral soap, and soap, n.o.p., not including toilet soap.....	25 p.c.
234	Perfumery, including toilet preparations, non-alcoholic, viz., hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin.....	30 p.c.
236	Surgical dressings, antiseptic or aseptic, including absorbent cotton, lint, lamb's wool, tow, jute, oakum, woven fabric of cotton weighing not more than seven and one-half pounds per one hundred square yards, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, and abdominal supports.....	20 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
237	(c) Synthetic resins, n.o.p., in liquid, powder, granular, or lump form; or in tubes, cylinders, strips, sheets, plates, blocks, bars, rods, angles, channels, tees or other shapes or sections, not further manufactured than moulded, extruded or pressed, when for use in Canadian manufactures.	Free
238a	Manufactures of pyroxylin plastics, or of which pyroxylin plastic is the component of chief value, n.o.p.	27½ p.c.
238b	Cellulose nitrate or pyroxylin plastics, in tubes, cylinders, balls, strips, sheets, plates, blocks, bars, rods, angles, channels, tees or other shapes or sections, not further manufactured than moulded or pressed, when for use in Canadian manufactures.	Free
238c	Moulding compositions of cellulose acetate or other derivatives of cellulose, in powder or granular form.	Free
239	Lamp black, carbon black, ivory black and bone black.	Free
242	Dry red lead; orange mineral; antimony oxide, titanium oxide, and zinc oxide such as zinc white and lithopone; white pigments containing not less than 14 per cent by weight of titanium dioxide.	15 p.c.
243	Dry white lead.	20 p.c.
244	White lead ground in oil.	25 p.c.
246	Oxides, fireproofs, rough stuff, fillers, laundry blueing, and colours, dry, n.o.p.	20 p.c.
247	Liquid fillers, anti-corrosive and anti-fouling paints, and ground and liquid paints, n.o.p.	25 p.c.
ex 247a	Artists' and school children's colours; fitted boxes containing the same.	25 p.c.
248	Paints and colours, ground in spirits, and all spirit varnishes and lacquers per gallon	85 cts.
249	Varnishes, lacquers, japans, japan driers, liquid driers, and oil finish, n.o.p. per gallon and	15 cts. 20 p.c.
252	Shoe blacking; shoemakers' ink; shoe, harness and leather dressing, and knife or other polish or composition, n.o.p.	22½ p.c.
256	Printing ink.	17½ p.c.
261	Turpentine, spirits of.	Free
272	Refined petroleum jellies and oils, for toilet, medicinal, edible, or similar purposes.	20 p.c.
274	Petroleum coke.	Free
ex 281	Firebrick containing not less than ninety per cent of silica; magnesite firebrick or chrome firebrick; other firebrick valued at not less than one hundred dollars per one thousand, rectangular shaped, the dimensions of each not to exceed one hundred and twenty-five cubic inches, but not including firebrick made substantially of silicon carbide and/or fused alumina, for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment.	Free
281a	Firebrick, n.o.p., of a class or kind not made in Canada, for use exclusively in the construction or repair of a furnace, kiln, or other equipment of a manufacturing establishment.	12½ p.c.
281b	Firebrick, n.o.p.	20 p.c.
282	Building brick and paving brick.	15 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
282a	Manufactures of clay or cement, n.o.p.....	20 p.c.
284	Drain pipes, sewer pipes and earthenware fittings therefor, chimney linings or vents, chimney tops and inverted blocks, glazed or unglazed, n.o.p.; earthenware tiles, n.o.p.....	30 p.c.
288a	Chemical stoneware composed of a non-absorbent vitrified body specially compounded to resist acids or other corrosive reagents.....	20 p.c.
288b	Hand forms of porcelain, when imported by manufacturers for use exclusively in the manufacture of rubber gloves in their own factories.....	20 p.c.
289	Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of earthenware, stone, cement, clay or other material, n.o.p.....	27½ p.c.
296c	Magnesium carbonate, imported for use in the compounding or manufacture of rubber products.....	20 p.c.
296d	Feldspar, ground but not further manufactured.....	15 p.c.
305	Flagstone, sandstone and all building stone, not hammered, sawn or chiselled, and marble and granite, rough, not hammered or chiselled.....	12½ p.c.
306	Marble, sawn or sand rubbed, not polished; granite, sawn; paving blocks of stone; flagstone and building stone, other than marble or granite, sawn on not more than two sides.....	20 p.c.
312 312a	Asbestos in any form other than crude, and all manufactures thereof, n.o.p...	20 p.c.
315	Carbons or carbon electrodes over three inches in circumference or outside measurement and not exceeding thirty-five inches in circumference or outside measurement; carbons of a class or kind not produced in Canada, when imported for use in the manufacture of dry batteries and dry cells	Free
320	Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p.....	20 p.c.
326	(i) Demijohns or carboys, bottles, flasks, phials, jars and balls, of glass, not cut, n.o.p.; lamp chimneys of glass, n.o.p.; decanters and machine-made tumblers of glass, not cut nor decorated, n.o.p.....	27½ p.c.
	(ii) Opal glassware, glass tableware, cut glassware and illuminating glassware, n.o.p.....	25 p.c.
326a	Manufactures of glass, n.o.p.....	17½ p.c.
326e	Articles of glass, not plate or sheet, designed to be cut or mounted; articles of glassware, when imported by manufacturers of silverware to be used in receptacles made of or electro-plated with precious metals, in their own factories.....	Free
326g	High thermal shock resisting glassware.....	15 p.c.
345	Zinc dust, strip and sheets; zinc plates for marine boilers; sal ammoniac skimmings and seamless drawn tubing of zinc.....	Free
346	Zinc, manufactures of, n.o.p.....	20 p.c.
ex 346	Zinc slugs or discs, when imported by manufacturers of electric dry batteries for use in the manufacture of seamless cups or shells for such batteries, in their own factories.....	Free
348c	Brass scrap and brass in blocks, ingots or pigs; copper in bars or rods, not less than six feet in length, unmanufactured, n.o.p.; copper in strips, sheets or plates, not polished, planished or coated; brass or copper tubing, in lengths not less than six feet, and not polished, bent or otherwise manufactured.....	10 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
350	Wire of all metals and kinds, n.o.p.....	30 p.c.
351	Wire, single or several, covered with any material, including cable so covered, n.o.p.....	27½ p.c.
352	Brass and copper nails, tacks, rivets and burrs or washers; bells and gongs, n.o.p.; and manufactures of brass or copper, n.o.p.....	25 p.c.
ex 352 ex 362c ex 432d ex 446a ex 506	Metal parts in any degree of manufacture, coated or not, and wooden parts in the rough, when imported by manufacturers of spools, quills, pirns, bobbins and shuttles, for use in the manufacture of such articles, in their own factories.....	10 p.c.
ex 353	Aluminum and alloys thereof, crude or semi-fabricated, viz.: Pigs, ingots, blocks, notch bars, slabs, billets and blooms; bars, rods and wire; angles, channels, beams, tees and other rolled or drawn sections and shapes; pipes and tubes; plates, sheets and strips, including circles.....	27½ p.c.
354	Manufactures of aluminum, n.o.p.....	27½ p.c.
354a	Kitchen or household hollow-ware of aluminum, n.o.p.....	27½ p.c.
357	Britannia metal, nickel silver, Nevada and German silver, manufactures of, not plated, n.o.p.....	25 p.c.
362	Articles consisting wholly or in part of sterling or other silverware, n.o.p.; manufactures of gold or silver, n.o.p.....	32½ p.c.
362a	Metal parts, electro-plated, for loose-leaf binders.....	25 p.c.
362c	Nickel-plated ware, gilt or electro-plated ware, n.o.p.....	30 p.c.
367	Watch cases, and parts thereof, finished or unfinished.....	32½ p.c.
368	Clocks, time recorders, clock movements, clockwork mechanisms, and clock cases.....	30 p.c.
	but not less than.....each	40 cts.
369	Parts of clock movements or of clockwork mechanisms, finished or unfinished, not including plates.....	25 p.c.
375	Ferro-alloys:—	
	(f) All alloys used in the manufacture of iron or steel, n.o.p.....	5 p.c.
377a	Blooms, cogged ingots, slabs, billets, n.o.p., sheet bars, of iron or steel, by whatever process made, n.o.p.....per ton	\$4.00
377f	Bars or rods, of iron or steel, hot rolled, viz.:—Rounds over 4½ inches in diameter and squares over 4 inches.....per ton	\$6.00
378	Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard:—	
	(a) Not further processed than hot rolled, n.o.p.....per ton	\$7.00
	(c) Cold rolled, drawn, reeled, turned or ground, n.o.p.....	20 p.c.
	(d) Hot rolled, valued at not less than 4 cents per pound, n.o.p.....	12½ p.c.
380	Plates of iron or steel, hot or cold rolled:—	
	(a) Not more than 66 inches in width, n.o.p.....per ton	\$8.00
	(b) More than 66 inches in width, n.o.p.....per ton	\$6.00

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
381	Sheets, of iron or steel, hot or cold rolled:—	
	(a) .080 inch or less in thickness, n.o.p.....	20 p.c.
	(b) More than .080 inch in thickness, n.o.p.....per ton	\$6.00
382	Hoop, band or strip, of iron or steel:—	
	(a) Hot rolled, .080 inch or less in thickness, n.o.p.....	12½ p.c.
	(b) Hot rolled, more than .080 inch in thickness, n.o.p.....per ton	\$7.00
383	Sheets, plates, hoop, band or strip, of iron or steel:—	
	(a) Coated with tin, of a class or kind not made in Canada, n.o.p.....	15 p.c.
	(b) Coated with tin, n.o.p.....	17½ p.c.
	(c) Coated with zinc, n.o.p.....	17½ p.c.
	(d) Coated with metal or metals, n.o.p.....	10 p.c.
384	Skelp of iron or steel, hot rolled, when imported by manufacturers of pipes and tubes for use exclusively in the manufacture of pipes and tubes, in their own factories, under regulations prescribed by the Minister:—	
	(a) Not more than 14 inches in width.....	5 p.c.
	(b) More than 14 inches in width.....	5 p.c.
385a	Sheets, plates, hoop, band or strip, of rust, acid or heat resisting steels, hot or cold rolled, polished or not, valued at not less than five cents per pound.....	17½ p.c.
386 ex 442	Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister:—	
	(c) Sheets, plates, hoop, band or strip, hot rolled, being mould boards, shares, cultivator or shoe shapes, plough plates, land sides or disc circles, when such rectangles, circles or sketches are cut to shape but not moulded, punched, polished or otherwise manufactured, when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories.....	Free
	(m) (ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories.....	17½ p.c.
388	Iron or steel angles, beams, channels, columns, girders, joists, tees, zeels and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p.; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p.....per ton	\$3.00
388b	Iron or steel angles, beams, channels, columns, girders, joists, tees, zeels and other shapes or sections, not punched, drilled or further manufactured than hot rolled, n.o.p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n.o.p.....per ton	\$7.00
390	Castings, of iron, malleable, n.o.p.....	22½ p.c.
390a	Castings, of iron, non-malleable, n.o.p.....	22½ p.c.
390b	Castings, of steel, n.o.p.....	22½ p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
390c	Piston ring castings of steel, in the rough as from the moulds.....	Free
ex 392	Forged golf club heads of iron or steel, with or without face or similar marking, but not ground, polished, plated or otherwise finished.....	10 p.c.
392a	Forgings of iron or steel, in any degree of manufacture, hollow, machined or not, not less than 12 inches in internal diameter; and all other forgings, solid or otherwise, in any degree of manufacture, of a weight of 20 tons or over.....	20 p.c.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders.....	7½ p.c.
394	Axles and axle bars, n.o.p., and axle blanks, and parts thereof, of iron or steel:—	
	(a) For railway vehicles, including locomotives and tenders.....	25 p.c.
	(b) For other vehicles, n.o.p.....	30 p.c.
397	Pipes and tubes, of wrought iron or steel, plain or coated:—	
	(a) Welded or seamless, with plain or processed ends, not more than 10½ inches in diameter, n.o.p.....	25 p.c.
	(d) N.o.p.....	20 p.c.
400	Fittings and couplings of iron or steel, of every description, for iron or steel pipes and tubes; complete parts thereof.....	25 p.c.
401	ex (b) Wire, of rust or acid resisting steel, twisted or stranded, for use exclusively in commercial fishing operations.....	10 p.c.
402a	Woven or welded wire fencing, of iron or steel, coated or not, n.o.p.; wire cloth or wire netting, of iron or steel, coated or not.....	30 p.c.
402b	Woven netting, of iron or steel, coated, made from wire of 17 gauge or heavier, with meshes not smaller than one inch and not larger than two inches, with specially strengthened joints, when for use exclusively on fur farms, under regulations prescribed by the Minister.....	20 p.c.
407a	Chains, of iron or steel, n.o.p., and complete parts thereof.....	30 p.c.
408	Malleable sprocket chain and link belting chain of iron or steel, including roller chain of all kinds for operating on steel sprockets or gears, when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories, under regulations prescribed by the Minister.....	5 p.c.
409	Cream separators and complete parts therefor, including steel bowls.....	12½ p.c.
409b	Cultivators, harrows, seed-drills, horse-rakes, horse-hoes, scufflers, manure spreaders, garden seeders, weeders, and complete parts of all the foregoing.....	7½ p.c.
409c	Ploughs; farm, field, lawn or garden rollers; soil packers; complete parts of all the foregoing.....	7½ p.c.
409d	Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein, and complete parts of all the foregoing.....	7½ p.c.
409e	(i) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; animal dehorning instruments; and complete parts of all the foregoing.....	5 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
	(ii) Fruit and vegetable grading, grating, washing and wiping machines and combination bagging and weighing machines, and complete parts thereof; machines for topping vegetables, and machines for bunching and/or tying cut flowers, vegetables and nursery stock, and complete parts thereof; box-lidding machines, egg-graders and egg-cleaners, and complete parts thereof, not including aluminum parts.....	5 p.c.
409f	Hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters ensilage cutters, grain crushers and grain or hay grinders for farm purposes only, post hole diggers, snaths, stumping machines and other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing.....	7½ p.c.
409g	Incubators for hatching eggs, brooders for rearing young fowl, and complete parts of all the foregoing.....	7½ p.c.
409h	Hay presses and complete parts thereof.....	7½ p.c.
409i	Scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, pronged forks, rakes, n.o.p.....	7½ p.c.
409j	Fanning mills; peaviners; corn husking machines; threshing machine separators, including weighers, wind stackers, baggers and self-feeders therefor; complete parts of all the foregoing.....	7½ p.c.
409k	Windmills and complete parts thereof, not including shafting.....	7½ p.c.
409l	Traction ditching machines (not being ploughs) and complete parts thereof..	Free
409m	Internal combustion traction engines; traction attachments designed to be combined with automobiles in Canada for use as traction engines; complete parts of all the foregoing.....	Free
410l	Ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and complete parts of all the foregoing, for use exclusively in mining, metallurgical or quarrying operations.....	17½ p.c.
411a	Machinery, logging cars, cranes, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and complete parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump, or common or other carrier.....	15 p.c.
412a	Machinery and apparatus, n.o.p., viz.:— Gun and mould apparatus for making press rollers; machines and apparatus for making electrotypes and stereotypes; engraving machines and apparatus, including photo-engraving apparatus, and other plate-making apparatus, used in the manufacture of printing plates of all kinds; machines and apparatus for graining metal plates; machines and apparatus for sensitizing, grinding or polishing metal plates; machines and apparatus including cameras and camera equipment, lens, prisms, camera and printing lamps, screens, and vacuum frames for transferring by photographic processes, or direct, to plates or rolls for use in lithography, rotogravure and printing; shading apparatus; machines and apparatus for addressing and/or wrapping newspapers, magazines, periodicals, pamphlets and catalogues; machines and apparatus for embossing or stamping or producing embossed or engraved effects, bookbinding, looping, stitching, sewing, gathering, inserting, bronzing, dusting, creasing, scoring, cutting, perforating, drilling, punching, slitting, re-winding, glueing, pasting, gumming, waxing, varnishing, carbon coating, patching, numbering, ruling, jogging, sheet piling, tying, bundling, tubemaking, metal mounting, eye-letting, staying or stripping, reinforcing and box-covering; complete parts, not to include saws, knives and motive power; all the foregoing when for use exclusively by, and in their capacities as printers, lithographers, bookbinders, manufacturers of stereotypes, electrotypes and printing plates or rolls, paper converters, or by manufacturers of articles made from paper or cardboard.....	Free

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
412b	Flat bed cylinder printing presses, to print sheets of a size 25 by 38 inches or larger, and complete parts thereof; machines designed to fold or sheet-feed paper or cardboard, and complete parts thereof.....	10 p.c.
412c	Typesetting and typesetting machines and parts thereof for use in printing offices.....	Free
412d	Offset presses; lithographic presses; printing presses and typemaking accessories therefor, n.o.p.; complete parts of the foregoing, not to include saws, knives and motive power.....	10 p.c.
413	Machinery and apparatus, of a class or kind not made in Canada, and parts thereof, specially constructed for preparing, manufacturing, testing or finishing yarns, cordage, and fabrics made from textile fibres or from paper, imported for use exclusively by manufacturers and scholastic or charitable institutions in such processes only.....	5 p.c.
414	Typewriters and complete parts thereof.....	20 p.c.
414a	Dictating, transcribing and cylinder shaving machines and complete parts thereof, including cylinders and unfinished wax blanks.....	12½ p.c.
414c	(i) Bookkeeping, calculating and invoicing machines and complete parts thereof, n.o.p.....	12½ p.c.
	(ii) Adding machines and complete parts thereof.....	20 p.c.
415	Electric vacuum cleaners and attachments therefor; hand vacuum cleaners; and complete parts of all the foregoing, including suction hose, n.o.p....	20 p.c.
415a	Refrigerators, domestic or store, completely equipped or not:— (i) Electric..... (ii) Other than electric.....	25 p.c. 25 p.c.
415b	Washing machines, domestic, with or without motive power incorporated therein; complete parts of washing machines.....	25 p.c.
415c	Clothes wringers, domestic, and complete parts of metal thereof.....	25 p.c.
415d	Sewing machines, with or without motive power incorporated therein; complete parts of sewing machines.....	15 p.c.
422a ex 439b ex 427a	Concrete road-paving machines, self-propelling, end loading type, with a capacity of 21 cubic feet of wet concrete or more; concrete and asphalt road finishing machines; form graders; sub-graders; combination excavating and transporting scraper units; concrete mixers, transit type; dump wagons or trailers on crawler-tracks, not self-propelled; back-filling machines and equipment, mounted on self-propelling wheels or crawling traction, semi- or full-revolving boom and scraper type; steam or air driven pile hammers or extractors; well-points; truck turntables; all the foregoing of a class or kind not made in Canada, and complete parts thereof.....	10 p.c.
424a	Hand fire extinguishers, and sprinkler heads for automatic sprinkler systems for fire protection.....	30 p.c.
ex 425	Lawn mowers designed for use with motive power, whether or not containing the power unit.....	15 p.c.
427	All machinery composed wholly or in part of iron or steel, n.o.p., and complete parts thereof.....	25 p.c.
ex 427	Machinery and apparatus enumerated in Tariff Item 412a, when for use by manufacturers of articles made from regenerated cellulose or cellulose acetate; complete parts of such machinery and apparatus, not to include saws, knives, and motive power.....	5 p.c.
ex 427	Veneer-drying machines, and complete parts thereof.....	5 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
ex 427	Wire stitchers and staplers, either hand or power type, but not including motive power; complete parts of the foregoing.....	5 p.c.
427a	All machinery composed wholly or in part of iron or steel, n.o.p., of a class or kind not made in Canada; complete parts of the foregoing.....	10 p.c.
427b	Ball and roller bearings.....	17½ p.c.
427c	Machinery for dairying purposes, viz.: Power churns, power milk coolers, power fillers and cappers, power ice cream mixers, power butter printers, power cream savers, power bottle sterilizers, power brine tanks, power milk bottle washers, power milk can washers; ice-breaking machines, valveless or centrifugal milk pumps, sanitary milk and cream vats; none of the foregoing machinery to include motive power.....	15 p.c.
427e ex 427a	Automatic machines for making and packaging cigars and cigarettes, not to include tobacco-preparing machines.....	10 p.c.
427h ex 445f ex 445k ex 446a	Motion picture projectors, arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, motion picture screens, portable motion picture projectors with or without sound equipment; electric rectifiers or generators designed for use with motion picture projectors; complete parts of all the foregoing, not to include electric light bulbs, tubes, or exciter lamps.....	15 p.c.
428c	Engines or boilers and complete parts thereof, n.o.p.....	25 p.c.
428e	Diesel and semi-diesel engines, and complete parts thereof, n.o.p.....	20 p.c.
428f	Air-cooled internal combustion engines of not greater than 1½ h.p. rating, and complete parts thereof.....	20 p.c.
429	Cutlery of iron or steel, plated or not: ex (g) Safety razor blades.....	25 p.c.
430	Nuts and bolts with or without threads, washers, rivets, of iron or steel, coated or not, n.o.p.; nut and bolt blanks, of iron or steel..... .....per one hundred pounds and	50 cts. 17½ p.c.
431b	Adzes, anvils, vises, cleavers, hatchets, saws, augers, bits, drills, screw-drivers, planes, spokeshaves, chisels, mallets, metal wedges, wrenches, sledges, hammers, crowbars, cantdogs, and track tools, picks, mat-tocks, and eyes or polls for the same.....	27½ p.c.
431c	Machinists' or metal workers' precision tools and measuring instruments, viz.: Calipers, micrometers, metal protractors and squares, bevels, verniers, gauges, gauge blocks, parallels, buttons, mercury plumb bobs, dividers, trammels, scribes, center punches, pocket speed indicators, straight edges, key seat clamps and other clamps and vises used by toolmakers for precision work, precision tools and measuring instruments, n.o.p.....	10 p.c.
431d	Engineers', surveyors' and draftsmen's precision instruments and apparatus, viz.: alidades; altazimuth surveying instruments; aneroid barometers, engineering, military and surveying; angle prisms; boards, military sketching; box sextants; clinometers; compasses; cross staff heads; curves, adjustable, irregular, railroad and ship; curvimeters; drafting instruments of all kinds, including fitted cases containing the same; dipping needles; drafting machines; heliographs; integrators; levels, tripod and hand or pocket types; levelling rods; liners, section; meters, portable for hydraulic engineering; pantographs; planimeters; protractors; parallel rulers; parallel ruling attachments; poles, ranging; pedometers and paceometers; plane tables, military and topographic; scales, flat and triangular; slide rules; splines; straight edges, steel and wooden; tacheometers; tallying machines, pocket; tee squares, steel and wooden; telemeters; theodolites; transits, tripod and hand or pocket types; triangles of all types; tripods for use with any of the foregoing instruments.....	10 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth Produce or Manufacture of the United States of America
431f	Files and rasps.....	27½ p.c.
432	Hollow-ware, of iron or steel, coated or not, n.o.p.....	25 p.c.
432a	Kitchen and dairy hollow-ware of iron or steel, coated with tin, including cans for shipping milk or cream, not painted, japanned or decorated.....	25 p.c.
432b	Hollow-ware, of iron or steel, coated with vitreous enamel.....	30 p.c.
432d	Manufactures of tinplate, painted, japanned, decorated or not, and manufactures of tin, n.o.p.....	25 p.c.
435 ex 434 ex 434a	Locomotives and motor cars for railways, of a class or kind not made in Canada, and complete parts thereof, for use exclusively in mining, metallurgical or sawmill operations.....	12½ p.c.
438a	Automobiles and motor vehicles of all kinds, n.o.p.; electric trackless trolley buses; chassis for all the foregoing.....	17½ p.c.
	Provided, that machines or other articles mounted on the foregoing, or attached thereto for purposes other than loading or unloading the vehicle shall be valued separately and duty assessed under the tariff items regularly applicable thereto.	
438g	Motorcycles or side cars therefor, and complete parts of the foregoing.....	17½ p.c.
439c	Farm wagons, farm sleds, logging wagons, logging sleds, and complete parts thereof.....	15 p.c.
ex 440g	Diesel and semi-diesel engines, of a class or kind not made in Canada, and complete parts thereof, for use exclusively in the construction or equipment of ships or vessels.....	Free
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n.o.p.....	20 p.c.
440l	(i) Aircraft, not including engines, under regulations prescribed by the Minister.....	20 p.c.
	(ii) Complete parts of aircraft, not including parts of aircraft engines.....	15 p.c.
440m	Engines and complete parts thereof, when imported for use only in the equipment of aircraft.....	17½ p.c.
440n	Complete parts for repair of engines enumerated in tariff item 440m.....	10 p.c.
441e	Guns and rifles of a class or kind not made in Canada.....	15 p.c.
442	Articles which enter into the cost of manufacture of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister.....	5 p.c.
	Provided that goods which are entitled to free entry or to a lower rate of duty than is mentioned in this item shall not be entered at the rate specified in this item.	
442a	Notwithstanding the provisions of the preceding item, materials or commodities as hereunder defined or described, when imported by manufacturers for use exclusively in the manufacture, in their own factories, of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, 409p and 439c, under regulations prescribed by the Minister:—	
	(1) Pig iron.....per ton	\$1.00
	(2) Bars or rods, of iron or steel, hot rolled.....per ton	\$2.75

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
443	Apparatus designed for cooking or for heating buildings:— (1) For coal or wood..... (2) For gas..... (3) For electricity..... (4) For oil..... (5) No p.....	25 p.c. 25 p.c. 25 p.c. 25 p.c. 25 p.c.
445	Electric light fixtures and appliances, n.o.p., and complete parts thereof....	27½ p.c.
445a	Electric head, side and tail lights, n.o.p.; electric torches or flashlights and complete parts therefor.....	27½ p.c.
445c	(i) Electric telegraph apparatus and complete parts thereof.....	25 p.c.
	(ii) Electric telephone apparatus and complete parts thereof.....	25 p.c.
445f	Electric dynamos or generators and transformers, and complete parts thereof, n.o.p.....	25 p.c.
445g	Electric motors, and complete parts thereof, n.o.p.....	25 p.c.
445k	Electric apparatus and complete parts thereof, n.o.p.....	25 p.c.
445n	Electrical instruments and apparatus of precision of a class or kind not made in Canada, viz.:—meters or gauges for indicating and/or recording altitude, amperes, comparisons, capacity, density, depth, distance, electrolysis, flux, force, frequency, humidity, inductance, liquid levels, ohms, operation, power factor, pressure, space, speed, stress, synchronism, temperature, time, volts, volume, watts; complete parts thereof.....	17½ p.c.
446a	Manufactures, articles or wares, of iron or steel or of which iron or steel or both are the component materials of chief value, n.o.p.....	25 p.c.
ex 446a	Metal shells and hinges, for use in manufacturing jewellery boxes and spectacle cases, not further finished than shaped.....	12½ p.c.
ex 446a	Tools of iron or steel, for use in machines, n.o.p., of a class or kind not made in Canada.....	10 p.c.
ex 446a	Welding rods or welding wires of rust, acid or heat resisting steel, whether or not flux-coated.....	15 p.c.
ex 446a	Locomotive beds or frames of steel, cast in one piece; tender frames of steel, cast in one piece; cast steel cradles for the rear ends of locomotive frames; cast steel truck frames and bolsters for engines, tenders and passenger coaches; platform castings for passenger coaches; all the foregoing, whether in the rough or semi-manufactured, for use on railway rolling stock.....	7½ p.c.
446c	Golf shafts of seamless steel, coated or not, but not chromium plated.....	15 p.c.
446g	Electric welding apparatus, not including motors.....	20 p.c.
447a	Sand cast rolls and chilled cast iron rolls, for use exclusively in rolling iron or steel, or in manufacturing paper.....	Free
451	Buckles, clasps, eyelets, hooks and eyes, dome, snap or other fasteners of iron, steel, brass or other metal, coated or not, n.o.p. (not being jewellery).....	27½ p.c.
ex 446a	Frames not more than ten inches in width, clasps and fasteners (not to include slide or hookless fasteners), when imported by manufacturers of purses, chatelaine bags or reticules for use exclusively in the manufacture of purses, chatelaine bags or reticules, in their own factories, under regulations prescribed by the Minister; parts of the foregoing...	12½ p.c.
462	(i) Philosophical, photographic, mathematical and optical instruments, n.o.p.; speedometers, cyclometers and pedometers, n.o.p.; complete parts of all the foregoing.....	17½ p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
462	(ii) Cameras and complete parts thereof, n.o.p.....	20 p.c.
462b ex 462	Cinematograph and motion picture cameras, 35 mm., for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing.....	10 p.c.
466 ex 711 ex 756	Iron sand and iron or steel shot, not further manufactured than crushed or ground, and dry putty, for sawing, polishing, pressure blasting or tumbling purposes.....	Free
471a	Pressed steel belt pulleys for power transmission, and finished or unfinished parts thereof, including interchangeable bushings.....	20 p.c.
476	Surgical and dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than 50 dollars each, retail; complete parts of all the foregoing.....	Free
500	Logs and round unmanufactured timber, handle, heading, stave and shingle bolts, n.o.p.; firewood, hop poles, fence posts and railway ties.....	Free
502	Mexican saddle trees and stirrups of wood, tree nails; hub, last, wagon, oar and gun blocks, and all like blocks or sticks, rough hewn, or sawn only; felloes of hickory or oak, not further manufactured than rough sawn or bent to shape; staves of oak, sawn, split or cut, not further manufactured than listed or jointed; shingles of wood; spokes of hickory or oak, not further manufactured than rough turned, and not tenoned, mitred or sized, and scale board for cheese.....	Free
503	Planks, boards, clapboards, laths, plain pickets and other timber or lumber of wood, not further manufactured than sawn or split, whether creosoted, vulcanized, or treated by any other preserving process, or not.....	Free
504	Planks, boards and other lumber of wood, sawn, split or cut, and dressed on one side only, but not further manufactured.....	Free
505	Sawn boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, n.o.p.....	10 p.c.
505a	Hardwood flooring, tongued and/or grooved, or jointed, viz.:—beech, birch, maple and oak.....	17½ p.c.
506	Manufactures of wood, n.o.p.....	20 p.c.
ex 506	Shingles of cedar, creosoted, vulcanized or otherwise processed or treated..	Free
507c	Single-ply, sliced or rotary-cut veneers of wood, n.o.p., not over five-sixteenths of an inch in thickness, not taped nor jointed.....	20 p.c.
507	Plywood made of two or more layers of veneer or lumber of wood, glued or cemented together, but not further manufactured.....	22½ p.c.
509	Vulcanized fibre, kartavert, indurated fibre, and like material, and manufactures of, n.o.p.....	17½ p.c.
511b	Fishing rods	25 p.c.
ex 518	Bagatelle and other game tables or boards.....	27½ p.c.
519	House, office, cabinet or store furniture and parts thereof (not to include forgings, castings and stampings of metal, in the rough):—	
	(i) Substantially of wood.....	32½ p.c.
	(ii) Other than of wood.....	27½ p.c.
ex 520	Raw cotton and cotton linters not further manufactured than ginned; waste wholly of cotton unfit for use without further manufacture.....	Free

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
522	Rovings, yarns and warps wholly of cotton, not more advanced than singles, n.o.p..... and, per pound	15 p.c. 3 cts.
522c	(i) Rovings, yarns and warps wholly of cotton, including threads, cords and twines generally used for sewing, stitching, packaging and other purposes, n.o.p.; cotton yarns, wholly or partially covered with metallic strip, generally known as tinsel thread..... and, per pound	20 p.c. 3 cts.
	(ii) Cotton yarns, wholly covered with a double layer of metallic strip in single strand only, when imported by manufacturers for use exclusively in the manufacture of electrical conductors, in their own factories.....	15 p.c.
	(iii) Sewing thread, wholly of cotton, on spools, not to exceed 250 yards on one spool.....	22½ p.c.
522d	Yarns and warps wholly of cotton, mercerized, number forty and finer, imported, under regulations prescribed by the Minister, for sale to manufacturers, to be further manufactured in their own factories.....	22½ p.c.
522e	Cotton sewing thread yarn and crochet, knitting, darning and embroidery yarn, in hanks, when imported by manufacturers for use exclusively in their own factories in the manufacturing or spooling of cotton sewing thread and crochet, knitting, darning and embroidery cottons.....	12½ p.c.
ex 523	Woven fabrics, wholly of cotton, not bleached, mercerized nor coloured, n.o.p..... and, per pound	17½ p.c. 3 cts.
ex 523 ex 532	Cotton bags, seamless or not.....	27½ p.c.
523a	Woven fabrics, wholly of cotton, bleached or mercerized, not coloured, n.o.p..... and, per pound	20 p.c. 3 cts.
ex 523b	Woven fabrics, wholly of cotton, printed, dyed or coloured, n.o.p.:— (i) Valued at more than 80 cents per pound..... and, per pound (ii) Valued at 50 cents or more but not more than 80 cents per pound.. and, per pound (iii) Valued at less than 50 cents per pound..... and, per pound	20 p.c. 3 cts. 25 p.c. 3 cts. 27½ p.c. 3½ cts.
ex 523b	Woven fabrics, wholly of cotton, commonly known as denims, when imported by manufacturers for use in their own factories in the manufacture of garments..... and, per pound	20 p.c. 3 cts.
523c	Woven fabrics wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of warp and weft yarns is 100 or more.....	27½ p.c.
ex 532 532b ex 573	Enamelled carriage, shelf and table oilcloth; woven fabric, wholly of cotton, for covering books; fabrics, wholly of cotton, coated or impregnated, n.o.p.....	30 p.c.
ex 532	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly of cotton, n.o.p.....	30 p.c.
532a	Handkerchiefs, wholly of cotton.....	30 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
548	Clothing, wearing apparel and articles, made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of vegetable fibres but not containing wool, n.o.p.; fabrics, coated or impregnated, composed wholly or in part of vegetable fibres but not containing silk, artificial silk nor wool, n.o.p.....	30 p.c.
ex 552	Felt, splint, for use in making molded splints for medical purposes.....	10 p.c.
ex 553	Household blankets, wholly of cotton, not to include horse blankets, automobile or steamer rugs, or similar articles..... and, per pound	20 p.c. 5 cts.
ex 555	Clothing, being women's and children's outer garments, wholly or in part of wool or similar animal fibres, but of which the component of chief value is not silk nor artificial silk.....	32½ p.c.
ex 567	Clothing and wearing apparel, n.o.p., made from woven fabrics of which silk is the component of chief value.....	30 p.c.
ex 567a	Clothing and wearing apparel, n.o.p., made from woven fabrics of which the component of chief value is artificial silk or similar synthetic fibres produced by chemical processes.....	32½ p.c.
ex 568	Knitted garments, n.o.p.....	35 p.c.
568a	Socks and stockings:— (ii) n.o.p. and, per dozen pairs	20 p.c. \$1.00
569e	Miners' safety helmets for use exclusively in mining operations, firemen's helmets and sand-blast helmets, of a class or kind not made in Canada	Free
ex 613	parts of such helmets.....	Free
ex 618	Oriental and imitation Oriental rugs or carpets and carpeting, carpets and rugs, n.o.p. and, per square foot	30 p.c. 7½ cts.
ex 573	Linoleum, floor oilcloth, and cork matting or carpets.....	30 p.c.
578	Regalia, badges and belts of all kinds, n.o.p.....	30 p.c.
584	Bone pitch, crude only; and resin or rosin in packages of not less than one hundred pounds.....	Free
585	Coal and pine pitch, burgundy pitch; and coal and pine tar, crude, in packages of not less than fifteen gallons.....	Free
586	Coal, anthracite, n.o.p.....per ton	50 cts.
587	Coke, n.o.p.....per ton	\$1.00
588	Coal, n.o.p., including screenings and coal dust of all kinds.....per ton	75 cts.
588a	Gas for heating, cooking or illuminating, imported by pipe line per one thousand cubic feet	3 cts.
589	Charcoal made from wood.....per ton	\$4.00
597	Pianofortes and organs.	25 p.c.
597a	Musical instruments of all kinds, n.o.p.; phonographs, graphophones, gramophones and finished parts thereof, including cylinders and records therefor; and mechanical piano and organ players.....	25 p.c.
ex 597a	Cylinders or records specially made for use in the study of languages, under such regulations as may be prescribed by the Minister.....	Free
ex 598a	Brass band instruments, of a class or kind not made in Canada.....	25 p.c.

SCHEDULE I—Continued

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
599	Hides and skins, raw, whether dry, salted, or pickled; and raw pelts.....	Free
601	Fur skins of all kinds, not dressed in any manner.....	Free
604	(i) Belting leather in butts or bends; and all leather further finished than tanned, n.o.p.....	20 p.c.
	(ii) Sheepskin or lambskin leather, further finished than tanned, n.o.p.	25 p.c.
604b	Sole leather.....	25 p.c.
605a	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers.	25 p.c.
607	Leather, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing, in their own factories.....	7½ p.c.
609	Belting, of leather.....	25 p.c.
ex 611a	Boots, shoes, slippers and insoles of any material, n.o.p., not including canvas shoes with rubber soles.....	30 p.c.
611b	Leather garments, lined or unlined.....	30 p.c.
612	Harness and saddlery, including horse boots, n.o.p.....	22½ p.c.
613	Manufactures of leather, including manufactures of rawhide, n.o.p.....	25 p.c.
ex 616	Rubber, recovered.....	Free
618	Rubber cement and all manufactures of India-rubber and gutta percha, n.o.p.....	22½ p.c.
618b	Tires of rubber for vehicles of all kinds, fitted or not.....	25 p.c.
618c ex 711	Chlorine derivatives of India-rubber insoluble in carbon tetrachloride, in sheets not exceeding three one-thousandths of an inch in thickness, coloured or not but not printed, lithographed or embossed, when for use in Canadian manufactures.....	5 p.c.
619	Rubber or gutta percha hose, and cotton hose lined with rubber; rubber mats or matting and rubber packing.....	22½ p.c.
619a	India-rubber, clothing and clothing made from waterproofed cotton fabrics.	30 p.c.
622	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n.o.p.....	30 p.c.
623	Musical instrument cases and fancy cases or boxes of all kinds, portfolios and fancy writing desks, satchels, reticules, card cases, purses, pocket-books, fly books and parts thereof.....	30 p.c.
624a	ex (i) Toys of all kinds, n.o.p.	30 p.c.
	(ii) Mechanical toys of metal.....	30 p.c.
647	Jewellery of any material, for the adornment of the person, n.o.p.....	35 p.c.
651	Buttons of all kinds, covered or not, and button blanks other than in the rough, n.o.p.; recognition buttons and cuff or collar buttons.....	30 p.c. and, per gross 5 cts
651a	Buttons, and button blanks other than in the rough, of vegetable ivory....	30 p.c. and, per gross 10 cts.
654	Bristles, broom corn, and hair brush pads	Free
ex 655a	Crayons of chalk.....	20 p.c.

SCHEDULE I—Concluded

No. of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States of America
657a	Cinematograph or moving picture films, positives, one and one-eighth of an inch in width and over, n.o.p..... per linear foot	2½ cts.
657b ex 532 ex 711	Parts, unfinished, when imported by manufacturers of cameras, for use in the manufacture of cameras, in their own factories.....	5 p.c.
663	Fertilizers, compounded or manufactured, n.o.p..... Provided, that Canada reserves the right to withdraw this concession should any restriction be placed on the export of phosphate rock or superphosphate from the United States of America.	5 p.c.
663c ex 711	Soya beans, soya bean oil cake and soya bean oil meal, when imported for use as animal or poultry feeds, or as fertilizer, or when imported for use in the manufacture of animal or poultry feeds or fertilizers.....	Free
670	Grinding wheels, stones or blocks, manufactured by the bonding together of either natural or artificial abrasives; manufactures of emery or of artificial abrasives, n.o.p.....	22½ p.c.
682a ex 618	Net floats of aluminum, glass, canvas, cork, or rubber, for use exclusively in commercial fishing.....	Free
688	Artificial teeth, not mounted.....	Free
693	(iii) Antiquities (other than spirits or wines) produced more than 100 years prior to date of importation, under such regulations, including proof of antiquity, as may be prescribed by the Minister..... Provided that, notwithstanding anything to the contrary in any law or regulation relating to Customs, antiquities as described above shall be relieved from the requirements as to origin or content.	Free
711	All goods not enumerated in this schedule as subject to any other rate of duty, and not otherwise declared free of duty, and not being goods the importation whereof is by law prohibited..... Provided that duty shall not be deemed to be provided for by this item upon dutiable goods mentioned as "n.o.p." in any preceding tariff item. Provided further that when the component material of chief value in any non-enumerated article consists of dutiable material enumerated in this schedule as bearing a higher rate of duty than is specified in this tariff item, such non-enumerated article shall be subject to the highest duty which would be chargeable thereon if it were composed wholly of the component material thereof of chief value, such "component material of chief value" being that component material which shall exceed in value any other single component material in its condition as found in the article.	20 p.c.
ex 711	Oyster shells, not further manufactured than crushed or screened, or both, for use as poultry feeds or in the manufacture of poultry feeds.....	10 p.c.
ex 711	Activated clay, when imported for use in the refining of oils.....	10 p.c.
ex 711	Coal-tar benzol, when imported by refiners of crude petroleum, for use exclusively in blending with gasoline wholly produced in Canada.....	10 p.c.
ex 711	Vermiculite, crude, or not further processed than ground and screened.....	10 p.c.
756	Artificial abrasive grains, crushed or ground, when imported for use in Canadian manufactures.....	Free
792	Cotton pulp imported by manufacturers for use exclusively in their own factories in the manufacture of yarns of artificial silk or similar synthetic fibres produced by chemical processes, under regulations to be prescribed by the Minister of National Revenue.....	Free
816 664b	Ethylene glycol, when imported by manufacturers for use exclusively in the manufacture of anti-freezing compounds or of explosives, in their own factories.....	Free

SCHEDULE II

(See Article VII)

NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined, insofar as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of any article enumerated in this Schedule, which is subject on the day of the signature of this Agreement to any additional or separate ordinary customs duty, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duty shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

In the case of any article provided for in this Schedule, with respect to which a lower rate of United States duty than is specified herein is provided for pursuant to any trade agreement concluded under Section 350 of the Tariff Act of 1930, as amended, such lower rate shall not be deemed to be rendered ineffective by reason of any provision of this Schedule.

The term "ton" in this Schedule, unless otherwise specified, means the long ton of 2,240 pounds avoirdupois.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1	Acetic acid containing by weight of acetic acid:	
	Not more than 65 per centum.....	$\frac{3}{4}$ ct. per lb.
	More than 65 per centum.....	1 ct. per lb.
2	Vinyl acetate, polymerized or unpolymerized, and synthetic resins made in chief value therefrom, not specially provided for.....	3 cts. per lb. and 15% <i>ad val.</i>
10	Fir or Canada balsam, natural and uncompounded, and not containing alcohol.....	5 p.c. <i>ad val.</i>
11	Synthetic resins made in chief value from vinyl acetate, not specially provided for.....	3 cts. per lb. and 15 p.c. <i>ad val.</i>
16	Calcium acetate, crude.....	$\frac{1}{2}$ ct. per lb.
29	Cobalt oxide.....	10 cts. per lb.
52	Sperm oil, crude.....	2 $\frac{1}{2}$ cts. per gal.
52	Shark oil and shark-liver oil, including oil produced from sharks known as dogfish, not specially provided for.....	10 p.c. <i>ad val.</i>
58	Distilled or essential cedar-leaf oil, not containing alcohol....	12 $\frac{1}{2}$ p.c. <i>ad val.</i>
71	Gas black, including carbon black, and acetylene black, dry or ground in or mixed with oil or water, and not specially provided for.....	10 p.c. <i>ad val.</i>
81	Sodium chloride or salt:	
	In bags, sacks, barrels, or other packages.....	7 cts. per 100 lbs.
	In bulk.....	4 cts. per 100 lbs.

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
201 (a)	Fire brick, not specially provided for.....	12½ p.c. <i>ad val.</i>
201 (b)	Brick, not specially provided for, not glazed, enamelled, painted, vitrified, ornamented, or decorated in any manner.....	\$1 per 1,000.
203	Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pulverized.....	2½ cts. per 100 lbs.
203	Lime, not specially provided for.....	5 cts. per 100 lbs., including weight of container.
203	Hydrated lime.....	6 cts. per 100 lbs., including weight of container.
205 (d)	Cement, not specially provided for.....	10 p.c. <i>ad val.</i>
207	Bentonite: Unwrought and unmanufactured.....	75 cts. per ton.
	Wrought or manufactured.....	\$1.62½ per ton.
207	Crude feldspar.....	25 cts. per ton.
208 (f)	Untrimmed phlogopite mica from which no rectangular piece exceeding two inches in length or one inch in width may be cut.....	10 p.c. <i>ad val.</i>
208 (g)	Phlogopite mica waste and scrap valued at not more than 5 cents per pound.....	15 p.c. <i>ad val.</i>
208 (h)	Mica, ground or pulverized.....	15 p.c. <i>ad val.</i>
209	Talc, steatite or soapstone: Ground, washed, powdered, or pulverized (except toilet preparations), valued at not more than \$14 per ton.....	17½ p.c. <i>ad val.</i>
214	Ground feldspar.....	15 p.c. <i>ad val.</i>
214	Ground nepheline syenite..... <i>Provided</i> , That, if in any calendar year after 1938 the aggregate quantity of nepheline syenite in any form, whether dutiable or free, entered, or withdrawn from warehouse, for consumption exceeds 50,000 tons, the Government of the United States of America and the Government of Canada shall promptly enter into consultation, with a view to reaching an agreement as to whatever measures may be deemed appropriate, and if, within 60 days after the two Governments enter into consultation, a mutually satisfactory settlement has not been effected, the Government of the United States of America shall have the right to increase the duty on any nepheline syenite which is subject to duty and to impose a customs duty on any nepheline syenite which is not subject to duty entered, or withdrawn from warehouse, for consumption in any calendar year in excess of an aggregate quantity of 50,000 tons of nepheline syenite in any form.	15 p.c. <i>ad val.</i>
214	Stone, not specially provided for (except marble chip or granite and Cornwall stone), ground, or crushed otherwise than merely for the purpose of facilitating shipment to the United States.....	15 p.c. <i>ad val.</i>
214	Dead-burned basic refractory material containing 15 per centum or more of lime and consisting chiefly of magnesia and lime.....	20 p.c. <i>ad val.</i>
	NOTE: The existing customs classification treatment of the merchandise described in this item as provided for in paragraph 214, Tariff Act of 1930, in accordance with the ruling announced in Treasury Decision 45041 (60 Treasury Decisions 114) shall be continued during the effective period of this Agreement.	

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
301	Spiegeleisen containing more than 1 per centum of carbon...	75 cts. per ton.
302(d)	Ferromanganese containing not less than 4 per centum of carbon, on the metallic manganese contained therein....	$\frac{3}{8}$ ct. per lb., plus $1\frac{1}{4}$ times the lowest rate of ordinary customs duty provided for manganese ore containing in excess of 10 per centum of metallic manganese the product of any foreign country except Cuba, at the time such ferromanganese is entered, or withdrawn from warehouse, for consumption; but not more than $1\frac{1}{8}$ cts. per lb.
302(i)	Ferrosilicon, containing 8 per centum or more of silicon and less than 30 per centum.....	1 ct. per lb. on the silicon contained therein.
302(k)	Ferrochrome or ferrochromium containing 3 per centum or more of carbon.....	$1\frac{1}{4}$ cts. per lb. on the chromium contained therein.
302(l)	Boron carbide.....	$12\frac{1}{2}$ p.c. <i>ad val.</i>
302(m)	Ferrotitanium, ferrovanadium, and ferrouanium.....	15 p.c. <i>ad val.</i>
304	Hollow bars and hollow drill steel, valued above 8 and not above 12 cents per pound..... <i>Provided</i> , That the duty assessed under this item shall not be less than..... <i>Provided further</i> , That no article assessed with duty under this item shall be subject to a separate additional duty under the second proviso to paragraph 304 of the Tariff Act of 1930.	20 p.c. <i>ad val.</i> $1\frac{1}{8}$ cts. per lb.
318	Woven-wire cloth: Gauze, fabric, or screen, made of wire composed of steel, brass, copper, bronze, or any other metal or alloy, not specially provided for: With meshes not finer than thirty wires to the lineal inch in warp or filling..... With meshes finer than thirty and not finer than ninety wires to the lineal inch in warp or filling.....	1 ct. per sq. ft., but not less than $12\frac{1}{2}$ nor more than 25 p.c. <i>ad val.</i> 5 cts. per sq. ft., but not less than 20 nor more than 40 p.c. <i>ad val.</i>
323	Axles and parts thereof, axle bars, axle blanks, and forgings for axles, of iron or steel, without reference to the stage or state of manufacture, not specially provided for, valued at not more than 6 cents per pound.....	$\frac{3}{16}$ ct. per lb.
327	Cast-iron fittings for cast-iron pipe.....	15 p.c. <i>ad val.</i>
327	Cast-iron andirons, plates, stove plates, sadirons, tailors' irons, hatters' irons, but not including electric irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, or parts thereof, or finished machine parts.....	10 p.c. <i>ad val.</i>
327	Molders' patterns, of whatever material composed, for the manufacture of castings.....	25 p.c. <i>ad val.</i>

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
329	Chain and chains of all kinds, made of iron or steel: Less than $\frac{3}{4}$ and not less than $\frac{3}{8}$ of 1 inch in diameter Less than $\frac{3}{8}$ and not less than $\frac{5}{16}$ of 1 inch in diameter.....	$\frac{3}{4}$ ct. per lb. 1½ cts. per lb.
353	Washing machines, having as an essential feature an electrical element or device, and parts thereof; any of the foregoing, finished or unfinished, wholly or in chief value of metal, and not specially provided for	17½ p.c. <i>ad val.</i>
353	Cooking stoves and ranges, having as an essential feature an electrical heating element, and parts thereof; any of the foregoing, finished or unfinished, wholly or in chief value of metal, and not specially provided for.....	17½ p.c. <i>ad val.</i>
370	Motor boats, including yachts or pleasure boats, whether sail, steam, or motor propelled, valued at not more than \$15,000 each.....	15 p.c. <i>ad val.</i>
374	Aluminum, aluminum scrap, and alloys (except those provided for in paragraph 302 of the Tariff Act of 1930) in which aluminum is the component material of chief value, in crude form.....	3 cts. per lb.
378	Cadmium.....	7½ cts. per lb.
389	Nickel, and alloys (except those provided for in paragraph 302 or 380 of the Tariff Act of 1930) in which nickel is the component material of chief value, in pigs or ingots, shot, cubes, grains, cathodes, or similar forms.....	2½ cts. per lb.
393	Zinc-bearing ores of all kinds, except pyrites containing not more than 3 per centum zinc.....	1½ cts. per lb. on the zinc contained therein.
394	Zinc in blocks, pigs, or slabs, and zinc dust.....	1½ cts. per lb.
401	Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch.	50 cts. per thousand feet, board measure.
402	Maple (except Japanese maple), birch, and beech: Flooring...	4 p.c. <i>ad val.</i>
405	Veneers of birch or maple.....	10 p.c. <i>ad val.</i>
406	Hubs for wheels, heading bolts, stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, roughhewn, or rough shaped, sawed or bored.....	5 p.c. <i>ad val.</i>
407	Casks, barrels, and hogsheads (empty), of wood, not specially provided for, but not including beer barrels or beer kegs..	7½ p.c. <i>ad val.</i>
412	Paint brush handles; broom handles and mop handles, further advanced than rough shaped, not less than three-fourths of one inch in diameter and not less than thirty-eight inches in length; tennis-racket frames valued at \$1.75 or more each; toboggans; baby carriages; wheelbarrows; canoes and canoe paddles; carriages, drays, trucks, and other horse-drawn vehicles, and parts thereof, not specially provided for; and ice-hockey sticks; all the foregoing wholly or in chief value of wood.....	20 p.c. <i>ad val.</i>
503	Maple sugar.....	3 cts. per lb.
503	Maple sirup	2 cts. per lb.

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
701	Cattle, weighing less than two hundred pounds each.....	1½ cts. per lb.
	<i>Provided, That such cattle weighing less than two hundred pounds each entered, or withdrawn from warehouse, for consumption in any calendar year after 1938 in excess of 100,000 head shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed.....</i>	2½ cts. per lb.
701	Cattle, weighing seven hundred pounds or more each:	
	Cows, imported specially for dairy purposes.....	1½ cts. per lb.
	Other.....	1½ cts. per lb.
	<i>Provided, That after December 31, 1938, such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 60,000 head in any quarter year shall not be entitled to a reduction in duty by virtue of this item, and such cattle (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 225,000 head in any calendar year shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed.....</i>	3 cts. per lb.
	<i>Provided further, That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement.</i>	
703	Swine.....	1 ct. per lb.
703	Pork, fresh or chilled, but not frozen.....	1¼ cts. per lb.
703	Bacon, hams, and shoulders, and other pork, prepared or preserved, but not cooked, boned, packed in air-tight containers, or made into sausages of any kind.....	2 cts. per lb.
706	Edible animal livers, kidneys, tongues, hearts, sweetbreads, tripe, and brains, fresh, chilled, or frozen.....	3 cts. per lb., but not less than 15 p.c. <i>ad val.</i>
707	Whole milk, fresh or sour.....	3¼ cts. per gal.
	<i>Provided, That such fresh or sour milk entered for consumption in any calendar year after 1938 in excess of 3,000,000 gallons shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed.....</i>	6½ cts. per gal.
707	Cream, fresh or sour.....	28 ³ / ₁₀ cts. per gal.
	<i>Provided, That such fresh or sour cream entered for consumption in any calendar year after 1938 in excess of 1,500,000 gallons shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed.....</i>	56 ⁸ / ₁₀ cts. per gal.
707	Skimmed milk, fresh or sour, and buttermilk.....	2 ¹ / ₁₀ cts. per gal.
708(b)	Dried buttermilk.....	1½ cts. per lb.
710	Cheddar cheese, whether or not in original loaves, but not including any cheese processed otherwise than by division into pieces.....	4 cts. per lb., but not less than 25 p.c. <i>ad val.</i>

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
711	Birds, live: Chickens, ducks, geese, turkeys, and guineas....	4 cts. per lb.
712	Birds, dead, dressed or undressed, fresh, chilled, or frozen: Chickens, ducks, geese, and guineas.....	6 cts. per lb.
713	Eggs of chickens, in the shell.....	5 cts. per doz.
714	Horses, unless imported for immediate slaughter: Valued at not more than \$150 per head..... Valued at more than \$150 per head.....	\$15 per head. 17½ p.c. <i>ad val.</i>
716	Honey.....	1½ cts. per lb.
717(a)	Fish, fresh or frozen (whether or not packed in ice), whole, or beheaded or eviscerated or both, but not further advanced (except that the fins may be removed): Halibut, salmon, and swordfish (not including naturally or artificially frozen swordfish)..... Mackerel: Fresh..... Frozen..... Chubs, fresh-water mullet (<i>catostomus</i>), jacks, lake trout- saugers, tullibees, whitefish, yellow pike, blue pike, ciscoes, lake herring, and yellow perch..... Shad, eels, and sturgeon (not including frozen sturgeon). Cod, haddock, hake, pollock, and cusk: Without fins removed..... With fins removed.....	1 ct. per lb. 1 ct. per lb. 1½ cts. per lb. ¾ ct. per lb. ½ ct. per lb. ¾ ct. per lb. 1 ct. per lb.
717(b)	Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not spec- ially provided for: Cod, haddock, hake, pollock, cusk, and rosefish..... <i>Provided</i> , That such fish entered, or withdrawn from ware- house, for consumption in any calendar year after 1938 in excess of an aggregate quantity of 15,000,000 pounds shall not be entitled to a reduction in duty by virtue of this item; <i>Provided further</i> , That if the average apparent annual con- sumption of such fish in the United States during the three calendar years preceding the year in which such fish are entered, or withdrawn from warehouse, for con- sumption, exceeds 100,000,000 pounds, an additional quan- tity of such fish equal to the amount by which 15 per centum of such average apparent annual consumption exceeds 15,000,000 pounds may be entered, or withdrawn from warehouse, for consumption in that year at the red- uced rate above specified. Such average apparent annual consumption shall be taken as the sum of the following: (a) The production in the United States of cod, haddock, hake, pollock, cusk, and rosefish fillets, steaks, and sticks, whether fresh or frozen, as now defined, and as reported, by the United States Bureau of Fisheries (for the purposes of this Agreement such production for the calendar year 1936 shall be considered as 94,908,- 000 pounds, and for the calendar year 1937, as 92,332,- 000 pounds);	1½ cts. per lb.

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
717(b)	<p>(b) The quantity of cod, haddock, hake, pollock, cusk, and rosefish fillets, steaks, and sticks, whether fresh or frozen, entered into the customs territory of the United States free of duty under paragraph 1730(a) of the Tariff Act of 1930 as products of American fisheries (for the purposes of this Agreement such quantity for the calendar year 1936 shall be considered as 40,000 pounds, and for the calendar year 1937, as 585,000 pounds); and</p> <p>(c) The aggregate quantity entered, or withdrawn from warehouse, for consumption of cod, haddock, hake, pollock, cusk, and rosefish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for (for the purposes of this Agreement such quantity for the calendar year 1936 shall be considered as 6,296,000 pounds, for the calendar year 1937, as 6,719,000 pounds, and for the calendar year 1938, as 6,100,000 pounds);</p> <p><i>Provided further, That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement.</i></p>	
717(b)	Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for (except cod, haddock, hake, pollock, cusk, and rosefish).....	2½ cts. per lb.
719	<p>Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):</p> <p>(1) Salmon.....</p> <p>(2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed):</p> <p> When containing not more than 43 per centum of moisture by weight.....</p> <p> When containing more than 43 per centum of moisture by weight.....</p> <p>(3) Cod, haddock, hake, pollock, and cusk, skinned or boned, whether or not dried.....</p> <p>(4) Herring, beheaded and eviscerated, but not further advanced (except that the fins may be removed), and herring known commercially as split herring, any of the foregoing, in bulk or in immediate containers weighing with their contents more than 15 pounds each and containing each more than 10 pounds of herring, net weight.....</p> <p>(4) Mackerel, whether or not boned, in bulk or in immediate containers weighing with their contents more than 15 pounds each.....</p> <p>(5) Alewives in bulk or in immediate containers weighing with their contents more than 15 pounds each.....</p>	<p>12½ p.c. <i>ad val.</i></p> <p>¾ ct. per lb.</p> <p>¾ ct. per lb.</p> <p>1½ cts. per lb.</p> <p>¾ ct. per lb., net wt.</p> <p>1 ct. per lb., net wt.</p> <p>¾ ct. per lb., net wt.</p>

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
720 (a)	Fish, smoked or kippered (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):	
	(1) Salmon.....	15 p.c. <i>ad val.</i>
	(2) Hard dry-smoked herring, when whole or beheaded, but not further advanced.....	$\frac{1}{2}$ ct. per lb.
	(3) Smoked herring, boned, whether or not skinned.....	1½ cts. per lb.
	(4) Cod, haddock, hake, pollock, and cusk, whole, or beheaded or eviscerated or both, but not further advanced (except that the vertebral column may be removed).....	1½ cts. per lb.
	(5) Cod, haddock, hake, pollock, and cusk, filleted, skinned, boned, sliced, or divided into portions.....	2 cts. per lb.
720 (b)	Cod, haddock, hake, pollock, and cusk, prepared or preserved, not specially provided for, in immediate containers weighing with their contents not more than 15 pounds each.....	2½ cts. per lb., but not less than 12½ nor more than 25 p.c. <i>ad val.</i>
721 (b)	Razor clams (<i>siliqua patula</i>), packed in air-tight containers..	15 p.c. <i>ad val.</i>
722	Barley, hulled or unhulled.....	15 cts. per bu. of 48 lbs.
722	Barley malt.....	40 cts. per 100 lbs.
723	Buckwheat, hulled or unhulled.....	15 cts. per 100 lbs.
723	Buckwheat flour and grits or groats.....	$\frac{3}{16}$ ct. per lb.
726	Oats, hulled or unhulled.....	8 cts. per bu. of 32 lbs.
726	Unhulled ground oats.....	25 cts. per 100 lbs.
726	Oatmeal, rolled oats, oat grits, and similar oat products....	10 p.c. <i>ad val.</i> , but not less than 40 nor more than 80 cts. per 100 lbs.
728	Rye.....	12 cts. per bu. of 56 lbs.
728	Rye malt.....	35 cts. per 100 lbs.
729	Wheat, unfit for human consumption.....	5 p.c. <i>ad val.</i>
730	Bran, shorts, by-product feeds obtained in milling wheat or other cereals.....	5 p.c. <i>ad val.</i>
730	Hulls of oats, barley, buckwheat, or other grains, ground or unground.....	5 cts. per 100 lbs.
730	Dried beet pulp.....	\$3.75 per ton.
730	Malt sprouts and brewers' grains.....	\$2.50 per ton.
730	Mixed feeds, consisting of an admixture of grains or grain products with oil cake, oil-cake meal, molasses, or other feedstuffs.....	5 p.c. <i>ad val.</i>
731	Screenings, scalpings, chaff, or scourings of wheat, flaxseed, or other grains or seeds: Unground, or ground.....	5 p.c. <i>ad val.</i>
732	Cereal breakfast foods, and similar cereal preparations, by whatever name known, processed further than milling, and not specially provided for.....	10 p.c. <i>ad val.</i>

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
734	Apples, green or ripe.....	15 cts. per bu. of 50 lbs.
736	Berries, edible, in their natural condition or in brine, not specially provided for: Blueberries.....	1 ct. per lb.
	Other (except lingon or partridge berries).....	$\frac{3}{4}$ ct. per lb.
736	Blueberries, prepared or preserved, or frozen, but not in brine and not dried, desiccated, or evaporated, and not specially provided for.....	17½ p.c. <i>ad val.</i>
736	Berries, edible, frozen, and not specially provided for.....	17½ p.c. <i>ad val.</i>
737	Cherries: (1) In their natural state, not in air-tight or water-tight containers.....	1 ct. per lb.
738	Cider.....	3 cts. per gal.
753	Cut flowers, fresh, dried, prepared, or preserved.....	25 p.c. <i>ad val.</i>
763	Grass seeds and other forage crop seeds: Alfalfa.....	4 cts. per lb.
	Alsike clover.....	4 cts. per lb.
	Red clover.....	4 cts. per lb.
	Sweet clover.....	2 cts. per lb.
	Timothy.....	1 ct. per lb.
	Bent-grass (<i>genus agrostis</i>).....	20 cts. per lb.
	Bluegrass.....	2½ cts. per lb.
	Wheatgrass.....	1 ct. per lb.
	Bromegrass.....	1 ct. per lb.
764	Tree and shrub seeds.....	4 cts. per lb.
766	Beets, other than sugar beets.....	10 p.c. <i>ad val.</i>
769	Peas, green or unripe, when imported and entered for consumption during the period from July 1 to September 30, inclusive, in any year.....	2 cts. per lb.
771	White or Irish seed potatoes, certified by a responsible officer or agency of a foreign government in accordance with the official rules and regulations of that government to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed potato tags, when entered for consumption during the period From March 1 to November 30, inclusive, in any year... From December 1 in any year to the last day of the following February, inclusive.....	37½ cts. per 100 lbs. 60 cts. per 100 lbs.
	<i>Provided, That if and when the United States is no longer obligated to accord to such potatoes produced in the Republic of Cuba a preferential reduction in the rate of duty in excess of 20 per centum, the rate of duty under this item during the entire year shall be.....</i>	37½ cts. per 100 lbs.
	<i>Provided further, That such potatoes entered for consumption in the 12-month period beginning on September 15 in the year 1938 or any subsequent year in excess of an aggregate quantity of 1,500,000 bushels of 60 pounds each shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed.....</i>	75 cts. per 100 lbs.
771	White or Irish potatoes, other than certified seed potatoes, as defined in the preceding item, when entered for consumption during the period From March 1 to November 30, inclusive, in any year... From December 1 in any year to the last day of the following February, inclusive.....	37½ cts. per 100 lbs. 60 cts. per 100 lbs.

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
771	<p><i>Provided</i>, That such potatoes entered for consumption in the 12-month period beginning on September 15 in the year 1938 or any subsequent year in excess of an aggregate quantity of 1,000,000 bushels of 60 pounds each shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed.....</p> <p><i>Provided further</i>, That if for any calendar year the production of white or Irish potatoes, including seed potatoes, in the United States, according to the estimate made as of September 1 by the United States Department of Agriculture, is less than 350,000,000 bushels of 60 pounds each, an additional quantity of such potatoes, other than certified seed potatoes, equal to the amount by which such estimated production is less than 350,000,000 bushels may be entered for consumption during the 12-month period beginning on September 15 of that year at the reduced rates above specified;</p> <p><i>And provided further</i>, That in computing the quantities of imports specified in the two foregoing provisos white or Irish potatoes produced in the Republic of Cuba shall not be included.</p>	75 cts. per 10
773	Turnips and rutabagas.....	12½ cts. per 100 lbs.
774	Carrots, radishes, and cauliflower, in their natural state.....	25 p.c. <i>ad val.</i>
779	Hay.....	\$2.50 per ton of 2,000 lbs.
779	Straw.....	75 cts. per ton of 2,000 lbs.
802	Whiskey of all types and classes, not consisting in any part of distilled spirits which have not been aged in wooden containers at least four years prior to the date the whiskey is entered, or withdrawn from warehouse, for consumption	\$2.50 per proof gal.
1001	Flax straw.....	\$1.50 per ton.
1007	Hose, suitable for conducting liquids or gases, wholly or in chief value of vegetable fiber.....	10 cts. per lb. and 7½ p.c. <i>ad val.</i>
1401	Uncoated papers commonly or commercially known as book paper, and all uncoated printing paper, not specially provided for, not including cover paper.....	½ ct. per lb. and 5 p.c. <i>ad val.</i>
1402	Pulpboard in rolls for use in the manufacture of wallboard, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for.....	5 p.c. <i>ad val.</i>
1404	Papers commonly or commercially known as tissue paper, stereotype paper, and copying paper, india and bible paper, condenser paper, carbon paper, coated or uncoated, bibulous paper, pottery paper, tissue paper for waxing, and all paper similar to any of the foregoing, not specially provided for, colored or uncolored, white or printed:	
	Weighing not over 6 pounds to the ream, and whether in sheets or any other form, valued at not more than 15 cents per pound.....	3 cts. per lb. and 10 p.c. <i>ad val.</i>
	Weighing over 6 pounds and less than 10 pounds to the ream, valued at not more than 15 cents per pound..	2½ cts. per lb. and 7½ p.c. <i>ad val.</i>

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1404	Crepe paper, commonly or commercially so known, including paper creped or partly creped in any manner, valued at not more than 12½ cents per pound.....	3 cts. per lb. and 7½ p.c. <i>ad val.</i>
1409	Hanging paper, not printed, lithographed, dyed, or colored.	7½ p.c. <i>ad val.</i>
1410	Tourist literature containing historical, geographic, time table, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States:	
	If of bona fide foreign authorship.....	7½ p.c. <i>ad val.</i>
	All other.....	12½ p.c. <i>ad val.</i>
1410	Drawings, engravings, photographs, etchings, maps, and charts, containing additional text conveying historical, geographic, time table, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States.....	12½ p.c. <i>ad val.</i>
1413	Pulpboard in rolls for use in the manufacture of wallboard, surface stained or dyed, lined or vat-lined, embossed, or printed.....	15 p.c. <i>ad val.</i>
1502	Lacrosse sticks.....	15 p.c. <i>ad val.</i>
1502	Ice skates and parts thereof	15 p.c. <i>ad val.</i>
1519(c)	Silver or black fox furs or skins, dressed or undressed, not specially provided for.....	37½ p.c. <i>ad val.</i>
1530(b)	Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), made from hides or skins of cattle of the bovine species:	
	(3) leather to be used in the manufacture of harness or saddlery.....	10 p.c. <i>ad val.</i>
	(4) patent leather, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear.....	7½ p.c. <i>ad val.</i>
1530(e)	Skating boots and shoes, made wholly or in chief value of leather, sewed or stitched by the process or method known as McKay, if attached to ice skates, and not specially provided for.....	15 p.c. <i>ad val.</i>
1532(b)	Gloves wholly or in chief value of leather made from horse-hides or cowhides (except calfskins), whether wholly or partly manufactured.....	15 p.c. <i>ad val.</i>
1537(b)	Hose and tubing, having at no point an inside diameter of less than three-eighths of one inch, suitable for conducting liquids or gases, wholly or in chief value of india rubber (not known as "hard rubber") or gutta-percha, not specially provided for.....	12½ p.c. <i>ad val.</i>
1541(a)	Pipe organs or pipe-organ player actions and parts thereof especially designed and constructed for installation and use in a particular church, or in a particular public auditorium at which it is not customary to charge an admission fee, which are imported for that specific use, and which are so installed and used within one year from the date of importation:	
	Pipe organs and parts thereof.....	17½ p.c. <i>ad val.</i>
	Pipe-organ player actions and parts thereof.....	20 p.c. <i>ad val.</i>

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1541(a)	Pipe organs and parts thereof, not specially provided for....	17½ p.c. <i>ad val.</i>
1541(a)	Pipe-organ player actions and parts thereof, not specially provided for.....	30 p.c. <i>ad val.</i>
1555	Waste, not specially provided for.....	7½ p.c. <i>ad val.</i>
1558	Evergreen Christmas trees.....	5 p.c. <i>ad val.</i>
1601	Sulphuric acid or oil of vitriol.....	Free
1604	Agricultural implements: Plows, tooth or disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, wagons and carts, cream separators valued at not more than \$50 each, and all other agricultural implements of any kind or description (except tractors), not specially provided for, whether in whole or in parts, including repair parts.....	Free
1606 (a) and (b)	Bulls, cows, hogs, and sheep, imported by a citizen of the United States specially for breeding purposes.....	Free, subject to the proviso to paragraph 1606 (a) and (b), Tariff Act of 1930.
1616	Asbestos, unmanufactured, asbestos crudes, fibers, stucco, and sand and refuse containing not more than 15 per centum of foreign matter.....	Free
1641	Calcium: Cyanamid or lime nitrogen.....	Free
1651	Coal-tar products: Benzene, toluene, xylene, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, and all other distillates of crude coal tar, not specially provided for, which on being subjected to distillation yield in the portion distilling below 190 degrees centigrade a quantity of tar acids less than 5 per centum of the original distillate.....	Free
1652	Cobalt and cobalt ore.....	Free
1667	Sodium cyanide.....	Free
1669	All drugs of animal origin, including fish livers, which are natural and uncompounded drugs and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol.....	Free
1672	Crude artificial abrasives, not specially provided for.....	Free
1681	Furs and fur skins, not specially provided for, undressed: Mink, beaver, muskrat, wolf, including prairie wolf, skunk, otter, lynx, and fisher.....	Free
1688	Cattle-body hair (including calf-body hair) and horse-body hair, cleaned or uncleaned, but unmanufactured, not specially provided for.....	Free
1716	Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached.....	Free

SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1719	Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for: Lignite..... Natural gas..... Gravel..... Nepheline syenite..... NOTE: Nepheline syenite is subject to the proviso to item 214.	Free Free Free Free
1734	Nickel ore, nickel matte, and nickel oxide.....	Free
1743	Plaster rock (including anhydrite) and gypsum, crude..... NOTE: The existing customs classification treatment of gypsum which has been broken merely for the purpose of facilitating its shipment to the United States, as "crude" in accordance with the decision of the United States Court of Customs and Patent Appeals, published as Treasury Decision 45725 (61 Treasury Decisions 1215), shall be continued during the effective period of this Agreement.	Free
1749	Radium, and salts of.....	Free
1756	Sea herring and smelts, fresh or frozen, whether or not packed in ice, and whether or not whole.....	Free
1758	Selenium, and salts of.....	Free
1760	Shingles of wood..... Provided, That the United States reserves the right to impose a customs duty, not exceeding 25 cents per square, on any red cedar shingles which may be entered, or withdrawn from warehouse, for consumption in any calendar year after 1938 in excess of a quantity to be specified by the United States, which quantity shall not be less than 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of red cedar shingles shipped by producers in the United States and of the quantity of such shingles entered, or withdrawn from warehouse, for consumption (for the purposes of this Agreement, such combined total for the calendar year 1936 shall be considered as 7,526,056 squares).	Free
1761	Lobsters (except spiny lobsters), fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner (including pastes and sauces), and not specially provided for.....	Free
1761	Clams, quahaugs, oysters (except seed oysters), and crabs, fresh or frozen (whether or not packed in ice), and not specially provided for.....	Free
1761	Scallops, fresh but not frozen (whether or not packed in ice)..	Free
1772	Standard newsprint paper.....	Free
1775	Stone and sand: Burrstone in blocks, rough or unmanufactured; quartzite; traprock; rottenstone, tripoli, and sand, crude or manufactured; silica; cliff stone, freestone, granite, and sandstone, unmanufactured, and not suitable for use as monumental, paving, or building stone; all the foregoing not specially provided for.....	Free

SCHEDULE II—Concluded

United States Tariff Act of 1930 Paragraph	Description of article	Rate of duty
1803(1)	Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber, not further manufactured than planed, and tongued and grooved; all the foregoing, if not of balsa, teak, cedar commercially known as Spanish cedar, lignum-vitae, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, or Japanese maple, and not specially provided for.....	Free
1803(2)	Logs; timber, round, unmanufactured; pulp woods; firewood, handle bolts, shingle bolts; and laths; all the foregoing, not cabinet woods or balsa, and not specially provided for.	Free
1804	Posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods.....	Free
1805	Pickets, palings, hoops, and staves of wood of all kinds.....	Free

Revenue Act of 1932, as amended	Description of Article	Rate of Import Tax
Section		
601(c)(6)	Lumber, including sawed timber, rough, or planed or dressed on one or more sides, except flooring made of maple, birch, and beech, and except lumber and timber of Northern white pine (<i>pinus strobus</i>), Norway pine (<i>pinus resinosa</i>), Western white spruce, balsa, teak, cedar commercially known as Spanish cedar, lignum-vitae, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, or Japanese maple.....	\$1.50 per thousand feet, board measure.
601(c)(8)	Shark oil and shark-liver oil, including oil produced from sharks known as dogfish.....	1½ cts. per lb.

2.

Exchange of Notes between the Secretary of State of the United States of America and His Majesty's Minister for Canada at Washington relative to the interpretation of Article 1 of the Trade Agreement of November 17, 1938.

(I)

DEPARTMENT OF STATE

WASHINGTON, November 17, 1938.

SIR:

I have the honor to inform you that the Government of the United States, in the special circumstances, will refrain from claiming under Article I of the Trade Agreement signed this day any advantages now accorded or which may hereafter be accorded by Canada to any territory under the mandate of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable,

SIR HERBERT MARLER, P.C., K.C.M.G.,
Minister of Canada.

(II)

CANADIAN LEGATION,
WASHINGTON,
November 17, 1938.

SIR,

I have the honour to acknowledge the receipt of your Note of to-day's date, informing me, with reference to the Trade Agreement signed this day, that the United States of America will, in the special circumstances, refrain from claiming under Article I of the Agreement any advantages now accorded or which may hereafter be accorded by Canada to any territory under the mandate of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

I have taken note with pleasure of your communication in the above sense.

I have the honour to be with the highest consideration

Sir,

Your most obedient humble servant,

HERBERT M. MARLER

The Honourable CORDELL HULL,
Secretary of State of the United States,
Washington, D.C.

3.

Lumber Declaration issued at Washington, November 17, 1938, on behalf of the Governments of Canada and the United States of America.

The Governments of Canada and the United States of America, desiring to proceed toward the removal of those restrictions on the international trade in lumber which have operated to the disadvantage of their respective lumber industries;

Recognizing that as a first step towards this objective the duties and taxes levied on lumber imported into the United States from Canada were reduced by 50 per cent to \$2 per thousand feet in the Trade Agreement concluded between Canada and the United States of America on November 15, 1935;

Noting that as a consequence of the coming into force of the Trade Agreements signed this day:

- (1) the United Kingdom duty on softwood lumber in those forms of which the United States is an important supplier of the United Kingdom's requirements will not exceed 16 shillings per standard (approximately \$2.00 per 1000 feet), without any restriction as to the quantity that may be imported at the reduced rate of duty;
- (2) the preferential margins enjoyed by lumber of Empire origin in the British West Indian Colonies will not exceed \$2.00 per thousand feet;
- (3) the Canadian duty on planed or dressed lumber imported from the United States will be reduced by 50 per cent and the special excise tax of 3 per cent will be removed from rough and dressed lumber, without any restriction as to the quantity that may be imported either at the reduced rates of duty or free;
- (4) the quantity of red cedar shingles that may be imported into the United States free of duty will be fixed at 30 per cent of United States consumption and imports in excess of this quantity will not be dutiable at more than 25 cents per square;
- (5) the quantitative restriction on the importation into the United States of lumber of Douglas fir and Western Hemlock at the reduced rates of duty and tax in effect since January 1, 1936, and confirmed by the Trade Agreement signed to-day, will be removed; and that
- (6) lumber and timber imported from Canada will not be required to be marked to indicate their country of origin.

Noting further that the Governments of Canada, the United Kingdom, and the United States of America are, for their part, prepared to give effect to the arrangement envisaged in the Trade Agreement between the United Kingdom and the United States whereby lumber of the values and sizes therein set forth shall on its importation into the United Kingdom from the United States of America be admitted free of duty as soon as the import excise tax now levied on Canadian lumber imported into the United States is removed.

Have resolved to record their readiness to co-operate, as opportunity occurs, in restoring the reciprocal advantages enjoyed by the timber products of their respective countries prior to the general resort to retaliatory restrictions on the importation of lumber and to confirm their understanding that the Government of Canada will interpose no objection to the reduction by Empire Governments other than the United Kingdom of differential duties now levied on United States lumber to a point at which the margin of preference enjoyed by Canadian lumber will not exceed the duties and taxes now imposed on Canadian lumber on importation into the United States, and that when, and for so long as, the United States import excise tax ceases to apply to lumber imported from Canada, Canada will concur in any request it may receive from such Empire Government for the extension to United States lumber of the tariff treatment enjoyed by Canadian lumber.

WASHINGTON, 17th November, 1938.

4.

Exchange of Letters between the High Commissioner for the United Kingdom and the Secretary of State for External Affairs regarding the agreed modifications of the Canada-United Kingdom Trade Agreement of 1937.

(I)

OTTAWA, November 16, 1938.

SIR, As you are aware, we are now approaching finality in our trade agreement negotiations with the United States, and it is expected that an Agreement may be signed in the near future.

2. In view of the willingness to facilitate these negotiations expressed by His Majesty's Government in Canada in accordance with Article 16 of the Trade Agreement of 23rd February, 1937, during preliminary discussion on this matter between His Majesty's Governments in the United Kingdom and in Canada, the Agreement will provide for reduced duties on imports into the United Kingdom of United States goods on which the Canadian Government have agreed to waive their rights under the United Kingdom-Canada Trade Agreement to the extent indicated below:—

EX SCHEDULE III OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT OF 1937

	Rate of Duty on Goods the Growth, Produce or Manufacture of the United States
Wheat.....	Free
*Apples, raw.....	3s. per cwt. (16th August to 15th April inclusive)
Pears, raw.....	3s. per cwt. (1st August to 31st January inclusive)
Apples, preserved in syrup.....	2s. 3d. per cwt. (In addition to the rates of duty in respect of sugar content)
Honey.....	5s. per cwt.
Timber.....	**
Chilled or frozen salmon.....	¾d. per lb.
Patent leather not forming part of another article.....	7½ p.c. <i>ad valorem</i>

*Copy of Note to be addressed by the United States Secretary of State to His Majesty's Ambassador Washington regarding the marketing of apples and citrus fruits is attached (Annex A).
**Rates of duty are set forth in Annex B.

(The reduced rates of duty referred to above, which have been the subject of discussion with the Canadian Government will be included in Schedule I of the United Kingdom-United States Agreement.)

The Agreement will also provide for maximum preferential margins on importation of the articles specified in Annex C (Ex Schedule VI of the United Kingdom-Canada Trade Agreement of 1937) into the Colonies and Protectorates mentioned in that Annex. (These reduced preferential margins will be included in Schedule III of the United Kingdom-United States Agreement).

3. It is understood that the consent accorded by the Canadian Government to the above-mentioned modifications of the United Kingdom-Canada Trade Agreement of 1937 is for the period during which the United Kingdom-United States Trade Agreement remains in force.

4. Similarly with a view to facilitating the negotiation of a further Trade Agreement between Canada and the United States, the United Kingdom Government agree to waive their rights under the United Kingdom-Canada Trade Agreement of 1937 to the extent necessary to permit of the inclusion in the forthcoming Canada-United States Trade Agreement, for the period during which the latter agreement is in force, of reduced duties, as indicated below, on imports of United States goods into Canada:—

EX SCHEDULE V OF THE UNITED KINGDOM-CANADA TRADE AGREEMENT
OF 1937

No. of Canadian Tariff Item		Rate of Duty on Goods the Growth, Produce or Manu- facture of the United States
ex 208t	All chemicals and drugs, when of a kind not produced in Canada, which were on Aug. 20, 1932, dutiable at rates of 15, 25, and 25% under Tariff Item 711—	
	Bicarbonate of soda.....	12½ p.c.
	Remainder of item.....	17½ p.c.
ex 210	Bichromate, sulphite and chlorate of soda.....	12½ p.c.
383	Sheets, plates, hoop, band or strip, of iron or steel:—	
	(b) Coated with tin, n.o.p.....	17½ p.c.
	(c) Coated with zinc, n.o.p.....	17½ p.c.
385a	Sheets, plates, hoop, band or strip, of rust, acid or heat resisting steels, hot or cold rolled, polished or not, valued at not less than five cents per pound.....	17½ p.c.
386	(m) (ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories.....	17½ p.c.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders.....	7½ p.c.
427b	Ball and roller bearings.....	17½ p.c.
ex 428e	Diesel and semi-diesel engines and complete parts thereof....	20 p.c.
438g	Motor cycles or side cars therefor, and complete parts of the foregoing.....	17½ p.c.
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n.o.p...	20 p.c.
ex 440l	Complete parts of aircraft.....	15 p.c.
476	(ii) Dental instruments of any material; surgical needles, X-ray apparatus; microscopes valued at not less than \$50 each, retail; complete parts of all the foregoing.....	Free

EX SCHEDULE VII OF THE UNITED-KINGDOM—CANADA TRADE AGREEMENT
OF 1937

No. of Canadian Tariff Item		Rate of Duty on Goods the Growth, Produce or Manu- facture of the United States
ex 87	(n) Tomatoes.....	1½ cents per pound

(The rates of duty referred to above will be included in Schedule I of the Canada-United States Trade Agreement.)

5. I should be glad to receive as soon as possible formal confirmation that the Canadian Government concur in the foregoing arrangements.

I have the honour to be

Sir,

Your obedient servant,

GERALD CAMPBELL

THE RT. HON. W. L. MACKENZIE KING, M.P.,
Secretary of State for External Affairs,
Ottawa.

ANNEX A*

(See paragraph 2)

Apples and Citrus Fruits

*Copy of Note to be addressed by the United States Secretary of State to
His Majesty's Ambassador at Washington*

EXCELLENCY:

During the course of the negotiation of the Trade Agreement signed this day, it has been explained that the fruit growers of certain parts of the British Commonwealth, together with the United Kingdom producers, have for some time past cooperated in an organization called the Empire Fruits Council, which has made arrangements concerning the shipment of apples to the United Kingdom market from overseas, with the object of maintaining a stable and remunerative market in the interests of all concerned and of avoiding, in so far as possible, temporary periods either of oversupply or of shortage. It is understood that British Empire producers of citrus fruits are also represented in this Council.

It has been represented to me that the cooperation of the exporting interests in the United States, which is the only other major apple-exporting country, would be of great assistance in securing the orderly marketing of the crop and would be of no less benefit to them than to the other suppliers. I have the honor to inform you that the Government of the United States inclines to the view that it is in the general interest that the shipment of apples to the United Kingdom market should be so planned as to avoid excessive variations in supplies and prices, and that it will call the attention of United States exporting interests to the desirability of their cooperating with the Empire Fruits Council in such arrangements as may be feasible to assure the orderly supply of apples to the United Kingdom market.

In the foregoing connection, your attention is invited to legislation in effect (Public No. 39, 73rd Congress, approved June 10, 1933) which provides for the regulation of exports of apples (and pears) from the United States on the basis of grade or quality. Under this Act, the Department of Agriculture has issued regulations which require that all apples (and pears) shipped to foreign countries meet certain export standards. The effect of these regulations is to make large shipments of low-quality fruit to British or other foreign markets impossible.

I understand that up to the present no arrangements have been made for planning shipments of citrus fruits to the United Kingdom market, but that certain British Empire producers have expressed a desire for some form of arrangement for the orderly marketing of citrus fruits in the United Kingdom, with a view to avoiding disturbances resulting from sudden fluctuations in supplies. I have the honor to inform you that, in the event the principal supplying countries (including foreign countries) should agree to cooperate in arrangements for the orderly supply of citrus fruits to the United Kingdom market, the Government of the United States would call the attention of the United States exporters to the desirability of cooperating in any feasible arrangements to this end.

*The Hon. Cordell Hull, Secretary of State of the United States of America, signed this note to His Majesty's Ambassador in Washington on November 17, 1938.

ANNEX B

(See paragraph 2)

Rate of duty on certain kinds of sawn timber, the produce of the United States of America, provided for in Schedule I of the Trade Agreement between the United Kingdom and the United States of America.

Wood and timber of coniferous species, other than box-boards, railway sleepers and sleeper blocks, square sawn but not further prepared or manufactured:

Eleven inches or more in width throughout its length.. 16s. per standard*

Other:

valued at £18 0s. 0d. or more per standard..... 16s. per standard

valued at £17 0s. 0d. or more per standard but less than £18 0s. 0d. per standard..... 10 per cent *ad valorem* less one per cent *ad valorem* for each four shillings by which the value exceeds £16 16s. 0d. per standard.

Provided that if the Government of the United States notifies the Government of the United Kingdom that the tax imposed on the importation of lumber into the United States under Section 601 (c) (6) of the Revenue Act of 1932, as amended, has been removed; then, for so long as imports into the United States of lumber and timber described in Paragraph 401 of the Tariff Act of 1930 and originating in Canada are exempt from ordinary customs duties and charges in excess of 50 cents per thousand board feet, imports into the United Kingdom of wood and timber of coniferous species originating in the United States of America shall be accorded customs treatment as follows instead of that provided for above:—

Wood and timber of coniferous species, other than box-boards, railway sleepers and sleeper blocks, square sawn but not further prepared or manufactured:

Nine inches or more in width throughout its length and 15 feet or more in length..... Free

Other:

valued at £18 0s. 0d. or more per standard..... Free

valued at £16 4s. 0d. or more, but less than £18 0s. 0d. per standard..... 10 per cent *ad valorem* less one per cent *ad valorem* for each four shillings by which the value exceeds £16 0s. 0d. per standard.

ANNEX B—*Concluded*

Provided further that, whenever for a period of any four consecutive months the average value of the imports into the United Kingdom from all countries of sawn softwoods (exclusive of planed or dressed softwoods), as now shown in the monthly Trade Returns of the United Kingdom under that heading, either exceeds £14 0s. 0d. per standard or is less than £10 0s. 0d. per standard; then, after consultation with the Government of the United States each of the value limitations set forth in all of the above concessions relating to wood and timber of coniferous species may be increased in the one case by £1 0s. 0d. per standard for each complete pound sterling by which such average value exceeds £13 0s. 0d. per standard or may be decreased in the other case by £1 0s. 0d. per standard for each complete pound sterling by which such average value is less than £11 0s. 0d. per standard; but the value limitations set forth in the above concessions shall be restored as soon as possible after the conditions which gave rise to these modifications no longer exist.

*The standard referred to throughout this paragraph is the standard of 165 cubic feet.

ANNEX C

(see paragraph 2)

EX SCHEDULE VI OF THE UNITED-KINGDOM—CANADA TRADE AGREEMENT

	Maximum margin of preference
CEYLON—Motor cars (including engines and chassis).....	7½ p.c. <i>ad valorem</i>
Motor lorries, vans, omnibuses and tractors, (including engines and chassis).....	7½ p.c. <i>ad valorem</i>
Other parts for motor cars and motor lorries, etc., except magnetos and splash proof accumulators.....	7½ p.c. <i>ad valorem</i>
HONG KONG—Motor cars.....	15 p.c. <i>ad valorem</i>
ALL TERRITORIES COMPRISED IN BRITISH MALAYA—Motor cars.....	15 p.c. <i>ad valorem</i>
ALL TERRITORIES COMPRISED IN BRITISH MALAYA (EXCEPT STRAITS SETTLEMENTS AND KEDAH)—Canned salmon, red, sockeye or blueback and silver.....	7½ p.c. <i>ad valorem</i>
MALTA—Motor cars (valued at over £100).....	15 p.c. <i>ad valorem</i>
Chassis of automobiles imported without bodies for industrial purposes (exclusive of parts).....	15 p.c. <i>ad valorem</i>
Parts and accessories for motor cars.....	15 p.c. <i>ad valorem</i>
THE BAHAMAS—Paints.....	6½ p.c. <i>ad valorem</i>
Vegetables, canned.....	6½ p.c. <i>ad valorem</i>
Oil, lubricating.....	4d. per gal.
Grease, lubricating.....	6½ p.c. <i>ad valorem</i>
Fresh fruit (except apples and fruits charged with duties under Schedule II of the Tariff Act, 1936).....	6½ p.c. <i>ad valorem</i>
Dried fruit.....	6½ p.c. <i>ad valorem</i>
THE BAHAMAS—Jams, jellies and preserved fruit.....	6½ p.c. <i>ad valorem</i>
Soap, common, washing.....	½d. per lb.
Stationery.....	6½ p.c. <i>ad valorem</i>
Toilet preparations including toilet soaps.....	6½ p.c. <i>ad valorem</i>
Shingles.....	2d. per 1,000 linear inches
Motor cars and trucks.....	15 p.c. <i>ad valorem</i>
Parts for motor cars and trucks (except tires).....	15 p.c. <i>ad valorem</i>
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air.....	5 p.c. <i>ad valorem</i>
BARBADOS—Electrical apparatus and appliances.....	10 p.c. <i>ad valorem</i>
Motor cars, trucks and vans and parts thereof (except tires).....	15 p.c. <i>ad valorem</i>
Lumber.....	\$2 per 1,000 ft.

ANNEX C—*Concluded*

	Maximum Margin of Preference
BERMUDA—Hardware.....	7½ p.c. <i>ad valorem</i>
Electrical supplies.....	10 p.c. <i>ad valorem</i>
Eggs.....	1¼d. per doz.
Radios and accessories.....	10 p.c. <i>ad valorem</i>
Bacon and hams.....	2½ p.c. <i>ad valorem</i>
BRITISH GUIANA—Lumber.....	\$2 per 1,000 ft.
BRITISH HONDURAS—Motor cars.....	15 p.c. <i>ad valorem</i> .
Parts for motor cars.....	15 p.c. <i>ad valorem</i>
JAMAICA—Lumber.....	\$2 per 1,000 ft.
ANTIGUA—Lumber.....	\$2 per 1,000 ft.
TRINIDAD AND TOBAGO—Telegraph and telephone apparatus.....	10 p.c. <i>ad valorem</i>
Wireless goods and apparatus.....	10 p.c. <i>ad valorem</i>
Lumber.....	\$2 per 1,000 ft.
FUJI—Motor cars and parts thereof.....	15 p.c. <i>ad valorem</i>

(II)

OTTAWA, November 16, 1938.

SIR,

I have the honour to acknowledge your letter of to-day's date setting forth the understanding of His Majesty's Government in the United Kingdom of the arrangements discussed between His Majesty's Governments in Canada and in the United Kingdom for the modification of the terms of the Canada-United Kingdom Trade Agreement of 1937, in accordance with the provisions of Article 17 thereof, with a view to facilitating the conclusion of Trade Agreements between the United States of America and the United Kingdom and between the United States and Canada. I desire on behalf of His Majesty's Government in Canada to confirm their agreement with the arrangements indicated in your letter and its enclosures.

I should be glad to receive the United Kingdom Government's formal confirmation of our understanding that they have waived until August 20th, 1940, their rights under Schedule I of the Canada-United Kingdom Trade Agreement of February 23rd, 1937, to impose a duty on eggs, poultry, butter, cheese and other milk products produced in and imported from Canada. At the same time I understand that they agree that no quantitative restrictions will be imposed on the importation into the United Kingdom of such products from Canada, unless imports should be such as to lead to instability in the market for those products in the United Kingdom.

I have the honour to be,

Sir,

Your obedient servant,

W. L. MACKENZIE KING

SIR GERALD CAMPBELL, K.C.M.G.,

High Commissioner for the United Kingdom, Ottawa.

(III)

OTTAWA, November 16, 1938.

SIR,

In acknowledging the receipt of your letter of to-day's date in regard to the United States trade negotiations I wish on behalf of His Majesty's Government in the United Kingdom to express their agreement with what is stated therein.

I have the honour to be,

Sir,

Your obedient servant,

GERALD CAMPBELL

THE RT. HON. W. L. MACKENZIE KING, M.P.,

Secretary of State for External Affairs, Ottawa.

5.

Exchange of Letters between the Secretary of State for External Affairs and the Accredited Representative of the Union of South Africa regarding the agreed modifications of the Canada-South Africa Trade Agreement of 1932.

(I)

OTTAWA, November 16, 1938.

SIR,

In view of the willingness expressed by His Majesty's Government in the Union of South Africa to facilitate the trade negotiations between Canada and the United States by consenting to the modification of certain margins of preference guaranteed under the Canada-South Africa Trade Agreement of 1932, I have the honour to inform you that the new Agreement will provide for reduced duties on imports into Canada from the United States on a number of articles in respect of which the Union Government have agreed to waive their rights to the extent necessary to permit of the inclusion in the forthcoming Agreement, of the reduced duties indicated below on imports from the United States of America:—

EX SCHEDULE A OF THE CANADA-SOUTH AFRICA TRADE AGREEMENT

No. of Canadian Tariff Item	—	New Rate of Duty on Goods the Growth, Produce or Manufacture of the United States
55	Indian corn, n.o.p.,.....per bushel	10 cents
92(i)	Quinces and nectarines.....June to February inclusive	10 p.c.
95	Cantaloupes and muskmelons.....	10 p.c.
101	Oranges, n.o.p.:— December to April, inclusive.....	Free
	May to November, inclusive .....per cubic foot	35 cts.
	Provided that Canada reserves the right to substitute for the above item the following:—	
101	Oranges, n.o.p.:— January to July, inclusive.....	Free
	August to December, inclusive .....per cubic foot	35 cts.

The Canadian Government desire to record their intention of inviting Parliament at its forthcoming session to consolidate the three tariff items under which Indian corn is imported into Canada into one item on which the rates of duty would be free under the British Preferential Tariff, ten cents per bushel under the Intermediate Tariff and twenty cents per bushel under the General Tariff.

At the same time they wish to express again their appreciation of the willingness of the Government of the Union of South Africa to facilitate the successful conclusion of Canadian trade negotiations with the United States of America and to confirm their understanding that the modification thus effected in the Canada-South Africa Trade Agreement will be taken into consideration when that Agreement is revised.

I have the honour to be,

Sir,

Your obedient servant,

W. L. MACKENZIE KING

D. de WAAL MEYER, Esq.,

Accredited Representative of the Union of South Africa,
Ottawa.

(II)

OTTAWA, November 16, 1938.

THE RIGHT HONOURABLE W. L. MACKENZIE KING, P.C., LL.D.,
Secretary of State for External Affairs, Canada.

SIR,

I have the honour to acknowledge receipt of your letter of the 16 November, and to confirm the willingness of His Majesty's Government in the Union of South Africa to facilitate the conclusion of a Trade Agreement between Canada and the United States of America by consenting to modifications in certain marginal preferences guaranteed under the Canada-South Africa Trade Agreement of 1932, as set out in your letter under reply.

I further beg to confirm the understanding that the modifications thus effected in the Canada-South Africa Trade Agreement will be taken into consideration when this Agreement comes up for revision.

I have the honour to be,

Sir,

Your obedient servant,

D. DE WAAL MEYER,
Accredited Representative.

6.

Exchange of Letters between the High Commissioner for the United Kingdom and the Secretary of State for External Affairs regarding the Margins of Preference on Wrought Iron and on Logs of certain dimensions.

(I)

OTTAWA, November 16, 1938.

SIR,

In my letter of to-day's date I referred to certain modifications of the United Kingdom-Canada Trade Agreement which His Majesty's Governments in the United Kingdom and in Canada have agreed to make in order to facilitate the conclusion of Trade Agreements between the United States and Canada and between the United States and the United Kingdom.

Apart from these modifications, which relate to United States goods specified in the schedules of the two Agreements about to be concluded, the negotiations have suggested the desirability of two further modifications of the United Kingdom-Canada Trade Agreement.

The United Kingdom Government understand that the Canadian Government would appreciate release from the obligation to maintain a fixed margin of preference on wrought iron (Item 377e—formerly ex 377a *et al.*) which appears to complicate unnecessarily the wording of a number of iron and steel items to be included in the Canada-United States Agreement. The United Kingdom Government for their part are accordingly prepared to agree to the deletion of this item from Schedule V to the United Kingdom-Canada Trade Agreement of 1937.

At the same time the United Kingdom Government, with a view to maintaining a proper relationship between sawn timber and the logs from which it may be sawn, would appreciate your consent to the extension to logs of certain dimensions of the rates of duty on wood and timber of coniferous species for which provision is to be made in Schedule I of the Trade Agreement between the United Kingdom and the United States of America. They accordingly propose to reduce the duty on wood and timber of coniferous species in logs neither end of which is less than 14 inches in mean diameter to 16s. per standard as from the date on which the Trade Agreement is to become effective (1st January, 1939). In the eventuality contemplated in the proviso to the concession (removal of the import excise tax on lumber imported into the United States of America) the United Kingdom Government propose to accord free entry to wood and timber of coniferous species in logs neither end of which is less than 12 inches in mean diameter and which are 15 feet or more in length.

I should be glad if you would be so good as to advise me whether the Canadian Government concur in the arrangements outlined above.

I have the honour to be,

Sir,

Your obedient servant,

GERALD CAMPBELL

THE RT. HON. W. L. MACKENZIE KING, M.P.,
Secretary of State for External Affairs,
Ottawa.

(II)

OTTAWA, November 16, 1938.

SIR,

I have the honour to acknowledge the receipt of your letter of to-day's date enquiring whether His Majesty's Government in Canada concur in the arrangements outlined therein with regard to the modification of existing preferences on wrought iron and on wood and timber of coniferous species in logs of certain dimensions. I am glad to inform you in reply that the Canadian Government concur in the proposed arrangements.

I have the honour to be,

Sir,

Your obedient servant,

W. L. MACKENZIE KING

SIR GERALD CAMPBELL, K.C.M.G.,
High Commissioner for the United Kingdom,
Ottawa.

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CANADA

TREATY SERIES, 1939

No. 9

EXCHANGE OF NOTES

(June 22 and 23, 1939)

PROLONGING

FOR ONE YEAR THE AGREEMENT OF SEPTEMBER
15-16, 1932, AS AMENDED IN 1935, CONCERNING
FLIGHTS OF MILITARY AIRCRAFT

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

IN FORCE JULY 1, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

Price, 25 cents

EXCHANGE OF NOTES

(June 22 and 23, 1939)

PROLONGING

FOR ONE YEAR THE AGREEMENT OF SEPTEMBER
15-16, 1932, AS AMENDED IN 1935, CONCERNING
FLIGHTS OF MILITARY AIRCRAFT

BETWEEN

CANADA AND THE UNITED STATES
OF AMERICA

IN FORCE JULY 1, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

**EXCHANGE OF NOTES (JUNE 22 AND 23, 1939) PROLONGING FOR
ONE YEAR THE AGREEMENT OF SEPTEMBER 15-16, 1932, AS
AMENDED IN 1935, CONCERNING FLIGHTS OF MILITARY AIR-
CRAFT**

*The Secretary of State for External Affairs of Canada to the
Minister of the United States of America at Ottawa*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 111

OTTAWA, 22nd June, 1939.

SIR,

I have the honour to refer to your Note No. 23 of June 12th, 1939, regarding the extension for a period of one year from July 1st, 1939, to June 30th, 1940, of an Agreement between the Government of the United States and the Government of Canada effected by an Exchange of Notes in September 1932 and amended by an Exchange of Notes in 1935, whereby military aircraft of either country are permitted, under certain conditions, to fly over specified portions of the territory of the other, and to state, in reply to your enquiry, that the Canadian Government is agreeable to the renewal of this Agreement, under the same terms as are now in effect, for a further period of one year beginning July 1st, 1939.

I should be glad to learn whether this Note and your reply may be regarded as extending the Agreement as above mentioned.

Accept, Sir, etc.

O. D. SKELTON

For the Secretary of State for External Affairs.

*The Minister of the United States of America at Ottawa to the
Secretary of State for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

No. 31

OTTAWA, June 23rd, 1939.

SIR,

I have the honor to acknowledge receipt of your note No. 111 of June 22nd, 1939, concerning the agreement now in effect between our two Governments whereby military aircraft of either country are permitted, under certain conditions, to fly over specified portions of the territory of the other, and have duly noted that the Canadian Government is agreeable to the renewal of this agreement in the same terms as are now in effect, for a further period of one year beginning July 1st, 1939.

It is understood by the exchange of your note under acknowledgment and of this reply thereto the agreement of 1932, as amended in 1935 and now in effect, is extended for a further period of one year from July 1st, 1939, to June 30th, 1940.

Accept, Sir, etc.

DANIEL C. ROPER

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CANADA

TREATY SERIES, 1939

No. 10

EXCHANGE OF NOTES

(August 18, 1939)

CONSTITUTING AN

ARRANGEMENT RELATING TO AIR TRANSPORT
SERVICES

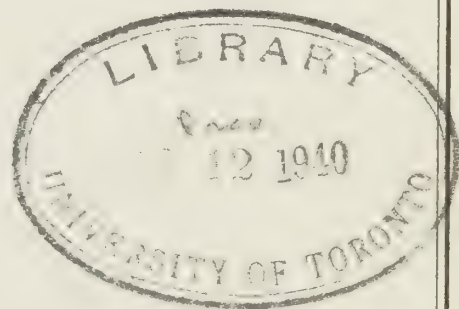
BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

IN FORCE AUGUST 18, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

Price, 25 cents

EXCHANGE OF NOTES

(August 18, 1939)

CONSTITUTING AN

ARRANGEMENT RELATING TO AIR TRANSPORT
SERVICES

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

IN FORCE AUGUST 18, 1939



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

**EXCHANGE OF NOTES (AUGUST 18, 1939) CONSTITUTING AN
ARRANGEMENT RELATING TO AIR TRANSPORT SERVICES
BETWEEN CANADA AND THE UNITED STATES OF AMERICA**

*The Secretary of State for External Affairs of Canada to the
United States Minister at Ottawa*

DEPARTMENT OF EXTERNAL AFFAIRS

No. 166

OTTAWA, August 18, 1939.

SIR,

I have the honour to refer to negotiations which have recently taken place between the Government of Canada and the Government of the United States of America for the conclusion of a reciprocal arrangement relating to air transport services.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:—

**ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES
OF AMERICA RELATING TO AIR TRANSPORT SERVICES**

ARTICLE I

Having in mind the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Canada, the Parties to this Arrangement agree that the establishment and development of air transport services between their respective territories by air carrier enterprises holding proper authorizations from their respective Governments, shall be governed by the following provisions.

ARTICLE II

The present Arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

The privileges accorded by this Arrangement shall be available only to air carrier enterprises *bona fide* owned and controlled by nationals of the respective Parties.

ARTICLE III

Each of the Parties agrees, subject to compliance with its laws and regulations, to grant to air carrier enterprises of the other Party permits for non-stop services through the air space over its territory between two points within the territory of the other Party; provided however that inland non-stop services between the United States and Alaska shall be the subject of a separate understanding.

Each Party further agrees, subject to compliance with its laws and regulations and on a basis of reciprocity, to grant operating rights to the air carrier enterprises of the other Party for the operation of international services between a place in the territory of one Party and a place in the territory of the other Party.

The details of the application of the principle of reciprocity contained herein shall be the subject of amicable adjustment between the competent aeronautical authorities of the Parties to this Arrangement.

ARTICLE IV

Any air carrier enterprise of either Party applying for permission to operate in territory of the other Party shall be required to transmit its application through diplomatic channels in accordance with Article III (c) of the Air Navigation Arrangement effected by an exchange of notes between the two Parties, signed on July 28, 1938.

The air carrier enterprises of each Party will be required to qualify before the competent aeronautical authorities of the other Party under the latter's applicable laws and regulations before being permitted to engage in the operations contemplated by this Arrangement, and upon so qualifying will be issued permits or licences by such authorities accordingly.

ARTICLE V

The terms of the permits referred to in Article IV, the airports to be used by the respective services, the routes or airways to be flown within the respective territories of the Parties between the designated airports, and other appropriate details of the conduct of the air transport services contemplated by this Arrangement, shall be determined by the competent aeronautical authorities of the Parties. Any permit issued by the competent aeronautical authorities for the air transport services contemplated hereunder shall be valid only so long as the holder thereof shall be authorized by its own Government to engage in the service envisaged by such permit. The holding of such permit shall be subject to compliance by the holder with all applicable laws of the issuing Government and with all valid rules, regulations and orders issued thereunder. Such permit may not be revoked for any cause other than non-compliance with such laws, rules, regulations or orders or for such reasons as the public interests may require.

ARTICLE VI

Each of the Parties hereto agrees not to impose, and to use its best efforts to prevent the imposition of, any restrictions or limitations as to airports, airways or connections with other transportation services and facilities in general to be utilized within its territory which might be competitively or otherwise disadvantageous to the air carrier enterprises of the other Party.

ARTICLE VII

The aircraft operated by United States air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of the United States for aircraft employed in air transportation of the character contemplated by this Arrangement.

The aircraft operated by Canadian air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of Canada for aircraft employed in air transportation of the character contemplated by this Arrangement.

The competent aeronautical authorities of the Parties hereto may communicate with a view to bringing about uniformity of safety standards for the operations contemplated by this Arrangement and compliance therewith, and whenever the need therefor appears the Parties may enter into an agreement prescribing such uniform safety standards.

ARTICLE VIII

The matter of the transportation of mail shall be subject to agreement between the competent authorities of both Parties.

ARTICLE IX

The operations contemplated hereunder shall be conducted subject to the applicable terms of the Air Navigation Arrangement effected by an exchange of notes between the two Parties signed on July 28, 1938.

ARTICLE X

This Arrangement shall remain in force for a period of two years and thereafter until terminated on six months' notice given by either Government to the other Government.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on this date. If your Government concurs in this suggestion the Government of Canada will regard it as becoming effective on this date.

Accept, Sir, etc.

W. L. MACKENZIE KING

*The United States Minister at Ottawa to the Secretary of State
for External Affairs of Canada*

LEGATION OF THE UNITED STATES OF AMERICA

No. 101

OTTAWA, August 18, 1939.

SIR,

I have the honor to acknowledge the receipt of your note of August 18, 1939, in which you communicated to me the terms of a reciprocal arrangement between the United States of America and Canada relating to air transport services, as understood by you to have been agreed to in negotiations, now terminated, between the Government of the United States of America and the Government of Canada.

The terms of this arrangement which you have communicated to me are as follows:—

(Text of the Arrangement)

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on this date and will accordingly regard it as becoming effective on this date.

I avail myself, etc.

DANIEL C. ROPER

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CANADA

TREATY SERIES, 1939

No. 11

TRADE AGREEMENT

BETWEEN

CANADA AND NEW ZEALAND

Signed at Ottawa and Wellington
April 23, 1932

IN FORCE MAY 24, 1932

Extended in May and November 1933 for six months, in May 1934 for a period of one year, and in May 1935 for a new period of six months

Modified in November 1935 and extended until July 31, 1936

Extended in July 1936 until September 30, 1937, as modified in November 1935

Modified in September 1937 and extended until September 30, 1938, as modified in November 1935

Extended in August 1938 until September 30, 1939, as modified in November 1935 and September 1937

Further modified in September 1939 and extended until September 30, 1940, as modified in November 1935 and September 1937



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

Price, 25 cents

TRADE AGREEMENT
BETWEEN
CANADA AND NEW ZEALAND

Signed at Ottawa and Wellington
April 23, 1932

IN FORCE MAY 24, 1932

Extended in May and November 1933 for six months, in May 1934 for a period of one year, and in May 1935 for a new period of six months

Modified in November 1935 and extended until July 31, 1936

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OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

TRADE AGREEMENT BETWEEN CANADA AND NEW ZEALAND

Signed at Ottawa and Wellington April 23, 1932

IN FORCE MAY 24, 1932

See Treaty Series, 1932, No. 2

This Agreement was extended for six months in May and November 1933, for a period of one year in May 1934, and for a new period of six months in May 1935, by the following Orders in Council:—

P.C. 1016, May 23, 1933.

See Canada Gazette Extra, May 23, 1933.

P.C. 2283, November 1, 1933.

See Canada Gazette Extra, November 4, 1933.

P.C. 978, May 10, 1934.

See Canada Gazette Extra, May 11, 1934.

P.C. 1234, May 10, 1935.

See Canada Gazette Extra, May 18, 1935.

Modified in November 1935, and extended until July 31, 1936, by the following Order in Council:—

P.C. 3579, November 14, 1935.

See Canada Gazette Extra, November 21, 1935.

Extended in July 1936 until September 30, 1937, as modified in November 1935, by the following Order in Council:—

P.C. 1891, July 23, 1936.

See Canada Gazette Extra, July 29, 1936.

Modified in September 1937 and extended until September 30, 1938, as modified in November 1935, by the following Orders in Council:—

P.C. 2415, September 29, 1937.

P.C. 2416, September 29, 1937.

See Canada Gazette Extra, October 1, 1937.

Extended in August 1938 until September 30, 1939, as modified in November 1935 and September 1937, by the following Order in Council:—

P.C. 2094, August 25, 1938.

See Canada Gazette, September 3, 1938.

Further modified in September 1939 and extended until September 30, 1940, as modified in November 1935 and September 1937, by the following Order in Council:—

P.C. 2900, September 27, 1939.

See Canada Gazette Extra, September 28, 1939.

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CANADA

TREATY SERIES, 1939

No. 12

CONVENTION OF 1936

FOR THE

SUPPRESSION OF THE ILLICIT TRAFFIC
IN DANGEROUS DRUGS

PROTOCOL OF SIGNATURE

AND

FINAL ACT

Signed at Geneva June 26, 1936

Canadian Ratification deposited at Geneva September 27, 1938

IN FORCE OCTOBER 26, 1939



OTTAWA
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1940

Price, 25 cents

CONVENTION OF 1936
FOR THE
SUPPRESSION OF THE ILLICIT TRAFFIC
IN DANGEROUS DRUGS
PROTOCOL OF SIGNATURE
AND
FINAL ACT
(Geneva, June 26, 1936)

CONVENTION DE 1936
POUR LA
RÉPRESSION DU TRAFIC ILLICITE
DES DROGUES NUISIBLES
PROTOCOLE DE SIGNATURE
ET
ACTE FINAL,
(Genève, le 26 juin 1936)



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1938

CONVENTION OF 1936 FOR THE SUPPRESSION OF THE ILLICIT TRAFFIC IN DANGEROUS DRUGS

THE FEDERAL PRESIDENT OF AUSTRIA; HIS MAJESTY THE KING OF THE BELGIANS; THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL; HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA; HIS MAJESTY THE KING OF THE BULGARIANS; THE PRESIDENT OF THE NATIONAL GOVERNMENT OF THE REPUBLIC OF CHINA; THE PRESIDENT OF THE REPUBLIC OF COLOMBIA; THE PRESIDENT OF THE REPUBLIC OF CUBA; HIS MAJESTY THE KING OF DENMARK AND ICELAND; HIS MAJESTY THE KING OF EGYPT; THE OFFICIAL ENTRUSTED WITH THE SUPREME POWER OF THE REPUBLIC OF ECUADOR; THE PRESIDENT OF THE SPANISH REPUBLIC; THE PRESIDENT OF THE REPUBLIC OF ESTONIA; THE PRESIDENT OF THE FRENCH REPUBLIC; HIS MAJESTY THE KING OF THE HELLENES; THE PRESIDENT OF THE REPUBLIC OF HONDURAS; HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY; HIS MAJESTY THE EMPEROR OF JAPAN; THE PRESIDENT OF THE UNITED STATES OF MEXICO; HIS SERENE HIGHNESS THE PRINCE OF MONACO; THE PRESIDENT OF THE REPUBLIC OF PANAMA; HER MAJESTY THE QUEEN OF THE NETHERLANDS; THE PRESIDENT OF THE REPUBLIC OF POLAND; THE PRESIDENT OF THE PORTUGUESE REPUBLIC; HIS MAJESTY THE KING OF ROUMANIA; THE SWISS FEDERAL COUNCIL; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC; THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS; THE PRESIDENT OF THE REPUBLIC OF URUGUAY; THE PRESIDENT OF THE UNITED STATES OF VENEZUELA,

Having resolved, on the one hand, to strengthen the measures intended to penalize offences contrary to the provisions of the International Opium Convention signed at The Hague on January 23, 1912, the Geneva Convention of February 19, 1925, and the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs signed at Geneva on July 13, 1931, and, on the other hand, to combat by the methods most effective in the present circumstances the illicit traffic in the drugs and substances covered by the above Conventions,

Have appointed as their Plenipotentiaries:

The Federal President of Austria:

M. Emerich PFLÜGL, Permanent Representative to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary;
Dr. Bruno SCHULTZ, former Vice-President of the Vienna Police, Representative of Austria on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

His Majesty the King of the Belgians:

M. Maurice BOURQUIN, Legal Adviser of the Ministry of Foreign Affairs and External Trade, Professor at the University of Geneva.

The President of the Republic of the United States of Brazil:

M. Jorge LATOUR, Secretary of Legation.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:
Oscar Follett DOWSON, Esq., C.B.E., Legal Adviser to the Home Office;
Major William Hewett COLES, D.S.O., Representative of the United Kingdom on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

CONVENTION DE 1936 POUR LA RÉPRESSION DU TRAFIC ILlicITE DES DROGUES NUISIBLES

LE PRÉSIDENT FÉDÉRAL D'AUTRICHE; SA MAJESTÉ LE ROI DES BELGES; LE PRÉSIDENT DE LA RÉPUBLIQUE DES ÉTATS-UNIS DU BRÉSIL; SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES; SA MAJESTÉ LE ROI DES BULGARES; LE PRÉSIDENT DU GOUVERNEMENT NATIONAL DE LA RÉPUBLIQUE DE CHINE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE COLOMBIE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE CUBA; SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE; SA MAJESTÉ LE ROI D'ÉGYPTE; LE CHARGÉ DU POUVOIR SUPRÊME DE LA RÉPUBLIQUE DE L'ÉQUATEUR; LE PRÉSIDENT DE LA RÉPUBLIQUE ESPAGNOLE; LE PRÉSIDENT DE LA RÉPUBLIQUE D'ESTONIE; LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE; SA MAJESTÉ LE ROI DES HELLÈNES; LE PRÉSIDENT DE LA RÉPUBLIQUE DE HONDURAS; SON ALTESSE SÉRÉNISSIME LE RÉGENT DU ROYAUME DE HONGRIE; SA MAJESTÉ L'EMPEREUR DU JAPON; LE PRÉSIDENT DES ÉTATS-UNIS DU MEXIQUE; SON ALTESSE SÉRÉNISSIME LE PRINCE DE MONACO; LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA; SA MAJESTÉ LA REINE DES PAYS-BAS; LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE; LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE; SA MAJESTÉ LE ROI DE ROUMANIE; LE CONSEIL FÉDÉRAL SUISSE; LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE; LE COMITÉ CENTRAL EXÉCUTIF DE L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES; LE PRÉSIDENT DE LA RÉPUBLIQUE DE L'URUGUAY; LE PRÉSIDENT DES ÉTATS-UNIS DE VENEZUELA;

Ayant résolu, d'une part, de renforcer les mesures destinées à réprimer les infractions aux dispositions de la Convention internationale de l'opium, signée à La Haye le 23 janvier 1912, de la Convention signée à Genève le 19 février 1925 et de la Convention pour limiter la fabrication et réglementer la distribution des stupéfiants, signée à Genève le 13 juillet 1931, et, d'autre part, de combattre, par les moyens les plus efficaces dans les circonstances actuelles, le trafic illicite des drogues et substances visées par ces Conventions,

Ont désigné pour leurs plénipotentiaires:

Le Président fédéral d'Autriche:

M. Emerich PFLÜGL, Représentant permanent près la Société des Nations,
Envoyé extraordinaire et Ministre plénipotentiaire,

Le Dr Bruno SCHULTZ, ancien Vice-Président de la Police de Vienne, Représentant de l'Autriche à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Sa Majesté le Roi des Belges:

M. Maurice BOURQUIN, Conseiller juridique du Ministère des Affaires étrangères et du Commerce extérieur, Professeur à l'Université de Genève.

Le Président de la République des Etats-Unis du Brésil:

M. Jorge LATOUR, Secrétaire de légation.

Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Dominions britanniques au delà des mers, Empereur des Indes:

Pour la Grande-Bretagne et l'Irlande du Nord, ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations:
M. Oscar Follet Dowson, C.B.E., Conseiller juridique au Ministère de l'Intérieur;

Le major William Hewett COLES, D.S.O., Représentant du Royaume-Uni à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

For the Dominion of Canada:

Colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chief of the Narcotic Division of the Department of Pensions and National Health, Representative of Canada on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

For India:

Gordon Sidey HARDEY, Esq., C.I.E., I.C.S., Vice-Chairman of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

His Majesty the King of the Bulgarians:

M. Nicolas MOMTCHILOFF, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the National Government of the Republic of China:

Dr. Hoo Chi-Tsai, Director of the Permanent Office of the Delegation to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the Republic of Colombia:

Mr. Rafael GUIZADO, Secretary of the Permanent Delegation to the League of Nations.

The President of the Republic of Cuba:

M. Guillermo de BLANCK, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of Denmark and Iceland:

M. William BORBERG, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary.

His Majesty the King of Egypt:

M. Edgar GORRA, Royal Adviser, "Directeur du contentieux de l'Etat," Alexandria.

The Official entrusted with the Supreme Power of the Republic of Ecuador:

M. Alejandro GASTELÚ CONCHA, Secretary of the Permanent Delegation to the League of Nations, Consul-General in Geneva.

The President of the Spanish Republic:

M. Julio CASARES Y SÁNCHEZ, Head of Section at the Ministry of Foreign Affairs, Representative of Spain on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

The President of the Republic of Estonia:

M. Johannes KÕDAR, Permanent Delegate a.i. to the League of Nations.

The President of the French Republic:

M. VERCHÈRE DE REFFYE, Minister Plenipotentiary, "Sous-Directeur des chancelleries et du contentieux" at the Ministry of Foreign Affairs;
M. Gaston BOURGOIS, Consul-General of France.

His Majesty the King of the Hellenes:

M. Raoul BIBICA-ROSETTI, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary;
M. Alexandre CONTOUMAS, First Secretary of the Permanent Delegation to the League of Nations.

Pour le Dominion du Canada:

Le colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chef de la Division des narcotiques au Département des Pensions et de la Santé publique et Représentant du Canada à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Pour l'Inde:

M. Gordon Sidey HARDY, C.I.E., I.C.S., Vice-Président de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Sa Majesté le Roi des Bulgares:

M. Nicolas MOMTCHILOFF, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Le Président du Gouvernement national de la République de Chine:

Le Dr Hoo CHI-TSAI, Directeur du Bureau permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Le Président de la République de Colombie:

M. Rafael GUIZADO, Secrétaire de la Délégation permanente près la Société des Nations.

Le Président de la République de Cuba:

M. Guillermo de BLANCK, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Sa Majesté le Roi de Danemark et d'Islande:

M. William BORBERG, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire.

Sa Majesté le Roi d'Egypte:

M. Edgar GORRA, Conseiller royal, Directeur du contentieux de l'Etat, à Alexandrie.

Le Chargé du Pouvoir suprême de la République de l'Equateur:

M. Alejandro GASTELÚ CONCHA, Secrétaire de la Délégation permanente près la Société des Nations, Consul général à Genève.

Le Président de la République espagnole:

M. Julio CASARES Y SANCHEZ, Représentant de l'Espagne à la Commission consultative du trafic de l'opium et autres drogues nuisibles, Chef de Section au Ministère des Affaires étrangères.

Le Président de la République d'Estonie:

M. Johannes KÕDAR, Délégué permanent *a. i.* près la Société des Nations.

Le Président de la République française:

M. VERCHÈRE DE REFFYE, Ministre plénipotentiaire, Sous-Directeur du contentieux et des chancelleries au Ministère des Affaires étrangères;

M. Gaston BOURGOIS, Consul général de France.

Sa Majesté le Roi des Hellènes:

M. Raoul BIBICA-ROSETTI, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire;

M. Alexandre CONTOUMAS, Premier Secrétaire de la Délégation permanente près la Société des Nations.

The President of the Republic of Honduras:

Dr. Julián LÓPEZ PINEDA, Permanent Delegate to the League of Nations,
Chargé d'Affaires in Paris.

His Serene Highness the Regent of the Kingdom of Hungary:

M. László DE VELICS, Chief of the Royal Delegation to the League of Nations,
Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal
Council.

His Majesty the Emperor of Japan:

M. Massa-aki HOTTA, Envoy Extraordinary and Minister Plenipotentiary
to the Swiss Federal Council.

The President of the United States of Mexico:

M. Manuel TELLO, Secretary of the Permanent Delegation to the League of
Nations, First Secretary of the Mexican Foreign Service, Representative
of Mexico on the Advisory Committee on Traffic in Opium and Other
Dangerous Drugs.

His Serene Highness the Prince of Monaco:

M. Xavier-John RAISIN, Consul-General at Geneva.

The President of the Republic of Panama:

Dr. Ernesto HOFFMANN, Permanent Delegate to the League of Nations.

Her Majesty the Queen of the Netherlands:

M. J. H. DELGORGE, Adviser of the Netherlands Government on international
opium questions, Netherlands Representative on the Advisory Com-
mittee on Traffic in Opium and Other Dangerous Drugs;
Jonkheer G. BEELAERTS VAN BLOKLAND, Assistant Editor to the Ministry of
Foreign Affairs.

The President of the Republic of Poland:

Dr. Witold CHODZKO, Former Minister of Public Health, Chairman of the
Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

The President of the Portuguese Republic:

Dr. Augusto DE VASCONCELLOS, Permanent Delegate to the League of Nations,
Minister Plenipotentiary;
Professor José CAEIRO DA MATTA, Rector of the University of Lisbon.

His Majesty the King of Roumania:

M. Constantin ANTONIADE, Envoy Extraordinary and Minister Plenipo-
tentiary to the League of Nations.

The Swiss Federal Council:

M. Camille GORGÉ, Counsellor of Legation, Chief of the League of Nations
Section at the Federal Political Department.

The President of the Czechoslovak Republic:

Dr. Antonín KOUKAL, Adviser at the Ministry of Justice.

The Central Executive Committee of the Union of Soviet Socialist Republics:

M. Georges LACHKEVITCH, Legal Adviser at the People's Commissariat for
Foreign Affairs.

Le Président de la République de Honduras:

Le Dr Julián LÓPEZ PINEDA, Délégué permanent près la Société des Nations, Chargé d'Affaires à Paris.

Son Altesse sérénissime le Régent du Royaume de Hongrie:

M. László DE VELICS, Chef de la Délégation royale près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Sa Majesté l'Empereur du Japon:

M. Massa-aki HOTTA, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Le Président des Etats-Unis du Mexique:

M. Manuel TELLO, Secrétaire de la Délégation permanente près la Société des Nations, Premier Secrétaire du Service extérieur mexicain, Représentant du Mexique à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Son Altesse sérénissime le Prince de Monaco:

M. Xavier-John RAISIN, Consul général à Genève.

Le Président de la République de Panama:

Le Dr Ernesto HOFFMANN, Délégué permanent près la Société des Nations.

Sa Majesté la Reine des Pays-Bas:

M. J. H. DELGORGE, Conseiller du Gouvernement des Pays-Bas pour les questions internationales en matière d'opium, Représentant des Pays-Bas à la Commission consultative du trafic de l'opium et autres drogues nuisibles;

Le Jonkheer G. BEELAERTS VAN BLOKLAND, Rédacteur adjoint au Ministère des Affaires étrangères.

Le Président de la République de Pologne:

Le Dr Witold CHODŹKO, ancien Ministre de la Santé publique, Président de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Le Président de la République portugaise:

Le Dr Augusto DE VASCONCELLOS, Délégué permanent près la Société des Nations, Ministre plénipotentiaire;

Le professeur JOSÉ CAEIRO DA MATTA, Recteur de l'Université de Lisbonne.

Sa Majesté le Roi de Roumanie:

M. Constantin ANTONIADE, Envoyé extraordinaire et Ministre plénipotentiaire près la Société des Nations.

Le Conseil fédéral suisse:

M. Camille GORGÉ, Conseiller de légation, Chef de la Section de la Société des Nations au Département politique fédéral.

Le Président de la République tchécoslovaque:

Le Dr. Antonín KOUKAL, Conseiller au Ministère de la Justice.

Le Comité central exécutif de l'Union des Républiques soviétiques socialistes:

M. Georges LACHKEVITCH, Conseiller juridique au Commissariat du peuple pour les Affaires étrangères.

The President of the Republic of Uruguay:

- M. Victor BENAVIDES, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council;
 Dr. Alfredo DE CASTRO, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians and to Her Majesty the Queen of the Netherlands, Representative of Uruguay on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

The President of the United States of Venezuela:

- M. Manuel AROCHA, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary,

who, having produced their full powers, found in good and due form, have agreed on the following provisions:

Article 1

1. In the present Convention, "narcotic drugs" shall be deemed to mean the drugs and substances to which the provisions of the Hague Convention of January 23, 1912, and the Geneva Conventions of February 19, 1925, and July 13, 1931, are now or hereafter may be applicable.

2. For the purposes of the present Convention, the word "extraction" connotes an operation whereby a narcotic drug is separated from the substance or compound of which it forms part, without involving any actual manufacture or conversion properly so called. This definition of the word "extraction" is not intended to include the processes whereby raw opium is obtained from the opium poppy, these being covered by the term "production."

Article 2

Each of the High Contracting Parties agrees to make the necessary legislative provisions for severely punishing, particularly by imprisonment or other penalties of deprivation of liberty, the following acts—namely:

- (a) The manufacture, conversion, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokage, despatch, despatch in transit, transport, importation and exportation of narcotic drugs, contrary to the provisions of the said Conventions;
- (b) Intentional participation in the offences specified in this Article;
- (c) Conspiracy to commit any of the above-mentioned offences;
- (d) Attempts and, subject to the conditions prescribed by national law, preparatory acts.

Article 3

The High Contracting Parties who possess extra-territorial jurisdiction in the territory of another High Contracting Party undertake to enact the necessary legislative provisions for punishing such of their nationals as are guilty within that territory of any offence specified in Article 2 at least as severely as if the offence had been committed in their own territory.

Article 4

Each of the acts specified in Article 2 shall, if committed in different countries, be considered as a distinct offence.

Le Président de la République de l'Uruguay:

M. Victor BENAVIDES, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse;

Le Dr Alfredo DE CASTRO, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi des Belges et près Sa Majesté la Reine des Pays-Bas, Représentant de l'Uruguay à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Le Président des Etats-Unis du Venezuela:

M. Manuel AROCHA, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire.

lesquels, après avoir produit leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des dispositions suivantes:

Article premier

1. Dans la présente Convention, on entend par "stupéfiants" les drogues et substances auxquelles s'appliquent ou s'appliqueront les dispositions de la Convention de La Haye du 23 janvier 1912 et des Conventions de Genève du 19 février 1925 et du 13 juillet 1931.

2. Aux termes de la présente Convention, on entend par "extraction" l'opération par laquelle on sépare un stupéfiant de la substance ou du composé dont il fait partie, sans qu'il y ait fabrication ou transformation proprement dites. Cette définition du mot "extraction" ne vise pas les procédés par lesquels on obtient l'opium brut du pavot à opium, ces procédés étant couverts par le terme "production".

Article 2.

Chacune des Hautes Parties contractantes s'engage à édicter les dispositions législatives nécessaires pour punir sévèrement, et notamment de prison ou d'autres peines privatives de liberté, les faits suivants, à savoir:

(a) La fabrication, la transformation, l'extraction, la préparation, la détention, l'offre, la mise en vente, la distribution, l'achat, la vente, la cession à quelque titre que ce soit, le courtage, l'envoi, l'expédition en transit, le transport, l'importation et l'exportation des stupéfiants contraires aux stipulations desdites conventions;

(b) La participation intentionnelle aux faits visés dans cet article;

(c) L'association ou l'entente en vue de l'accomplissement d'un des faits visés ci-dessus;

(d) Les tentatives et, dans les conditions prévues par la loi nationale, les actes préparatoires.

Article 3.

Les Hautes Parties contractantes qui possèdent une juridiction extraterritoriale sur le territoire d'une autre Haute Partie contractante s'engagent à édicter les dispositions législatives nécessaires pour punir leurs ressortissants s'étant rendus coupables sur ce territoire de tout fait visé à l'article 2, au moins aussi sévèrement que si le fait avait été commis sur leur propre territoire.

Article 4.

Si des faits rentrant dans les catégories visées à l'article 2 sont commis dans des pays différents, chacun d'eux sera considéré comme une infraction distincte.

Article 5

The High Contracting Parties, whose national law regulates cultivation, gathering and production with a view to obtaining narcotic drugs, shall likewise make severely punishable contraventions thereof.

Article 6

In countries where the principle of the international recognition of previous convictions is recognized, foreign convictions for the offences referred to in Article 2 shall, subject to the conditions prescribed by the domestic law, be recognized for the purpose of establishing habitual criminality.

Article 7

1. In countries where the principle of the extradition of nationals is not recognized, nationals who have returned to the territory of their own country, after the commission abroad of any of the offences referred to in Article 2, shall be prosecuted and punished in the same manner as if the offence had been committed in the said territory, even in a case where the offender has acquired his nationality after the commission of the offence.

2. This provision does not apply if, in a similar case, the extradition of a foreigner cannot be granted.

Article 8

Foreigners who are in the territory of a High Contracting Party and who have committed abroad any of the offences set out in Article 2 shall be prosecuted and punished as though the offence had been committed in that territory if the following conditions are realized—namely, that:

(a) Extradition has been requested and could not be granted for a reason independent of the offence itself;

(b) The law of the country of refuge considers prosecution for offences committed abroad by foreigners admissible as a general rule.

Article 9.

1. The offences set out in Article 2 shall be deemed to be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the High Contracting Parties.

2. The High Contracting Parties who do not make extradition conditional on the existence of a treaty or on reciprocity shall as between themselves recognize the offences referred to above as extradition crimes.

3. Extradition shall be granted in conformity with the law of the country to which application is made.

4. The High Contracting Party to whom application for extradition is made shall, in all cases, have the right to refuse to effect the arrest or to grant the extradition of a fugitive offender if his competent authorities consider that the offence of which the fugitive offender is accused or convicted is not sufficiently serious.

Article 10

Any narcotic drugs as well as any substances and instruments intended for the commission of any of the offences referred to in Article 2 shall be liable to seizure and confiscation.

Article 5.

Les Hautes Parties contractantes dont la loi nationale réglemente la culture, la récolte et la production en vue de l'obtention des stupéfiants, rendront de même sévèrement punissable toute infraction à cette loi.

Article 6.

Les pays qui admettent le principe de la récidive internationale reconnaissent, dans les conditions prévues par la loi nationale, comme génératrices d'une telle récidive, les condamnations étrangères prononcées du chef de l'un des faits visés à l'article 2.

Article 7.

1. Dans les pays qui n'admettent pas le principe de l'extradition des nationaux, les ressortissants qui sont rentrés sur le territoire de leur pays, après s'être rendus coupables à l'étranger de tout fait visé à l'article 2, doivent être poursuivis et punis de la même manière que si le fait avait été commis sur ledit territoire, et cela même dans le cas où le coupable aurait acquis sa nationalité postérieurement à l'accomplissement de l'infraction.

2. Cette disposition n'est pas applicable si, dans un cas semblable, l'extradition d'un étranger ne peut pas être accordée.

Article 8.

Les étrangers qui ont commis à l'étranger un des faits prévus par l'article 2 et qui se trouvent sur le territoire d'une des Hautes Parties contractantes doivent être poursuivis et punis de la même manière que si le fait avait été commis sur ce territoire, lorsque les conditions suivantes sont réunies:

(a) L'extradition ayant été demandée, n'a pu être accordée pour une raison étrangère au fait même;

(b) La législation du pays de refuge admet comme règle générale la poursuite d'infractions commises par des étrangers à l'étranger.

Article 9.

1. Les faits prévus par l'article 2 seront de plein droit compris comme cas d'extradition dans tout traité d'extradition conclu ou à conclure entre les Hautes Parties contractantes.

2. Les Hautes Parties contractantes qui ne subordonnent pas l'extradition à l'existence d'un traité ou à une condition de réciprocité, reconnaissent les faits visés ci-dessus comme cas d'extradition entre elles.

3. L'extradition sera accordée conformément au droit du pays requis.

4. La Haute Partie contractante à laquelle il sera adressé une demande d'extradition aura, dans tous les cas, le droit de refuser de procéder à l'arrestation ou d'accorder l'extradition si ses autorités compétentes estiment que le fait motivant les poursuites ou ayant entraîné la condamnation n'est pas assez grave.

Article 10.

Les stupéfiants, ainsi que les matières et instruments destinés à l'accomplissement d'un des faits prévus par l'article 2, sont susceptibles d'être saisis et confisqués.

Article 11

1. Each of the High Contracting Parties shall set up, within the framework of its domestic law, a central office for the supervision and co-ordination of all operations necessary to prevent the offences specified in Article 2, and for ensuring that steps are taken to prosecute persons guilty of such offences.

2. This central office:

(a) Shall be in close contact with other official institutions or bodies dealing with narcotic drugs;

(b) Shall centralise all information of a nature to facilitate the investigation and prevention of the offences specified in Article 2;

(c) Shall be in close contact with and may correspond direct with the central offices of other countries.

3. Where the Government of a High Contracting Party is federal in character, or where the executive authority of its Government is distributed between central and local Governments, the supervision and co-ordination specified in paragraph 1 and the execution of the functions specified in (a) and (b) of paragraph 2 shall be carried out in conformity with the constitutional or administrative system thereof.

4. Where the present Convention has been applied to any territory by virtue of Article 18, the requirements of the present Article may be carried out by means of a central office set up in or for that territory acting in conjunction, if necessary, with the central office in the metropolitan territory concerned.

5. The powers and the functions of the central office may be delegated to the special administration referred to in Article 15 of the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 1931.

Article 12.

1. The central office shall co-operate with the central offices of foreign countries to the greatest extent possible, in order to facilitate the prevention and punishment of the offences specified in Article 2.

2. The office shall, so far as it thinks expedient, communicate to the central office of any country which may be concerned:

(a) Particulars which would make it possible to carry out any investigations or operations relating to any transactions in progress or proposed;

(b) Any particulars which it has been able to secure regarding the identity and the description of traffickers with a view to supervising their movements;

(c) Discoveries of secret factories of narcotics drugs.

Article 13.

1. The transmission of letters of request relating to the offences referred to in Article 2 shall be effected:

(a) Preferably by direct communication between the competent authorities of each country or through the central offices, or

(b) By direct correspondence between the Ministers of Justice of the two countries or by direct communication from another competent authority of the country making the request to the Minister of Justice of the country to which the request is made, or

(c) Through the diplomatic or consular representative of the country making the request in the country to which the request is made. For this purpose, the letters of request shall be sent by such representative to the authority designated by the country to which the request is made.

Article 11.

1. Chaque Haute Partie contractante devra instituer, dans le cadre de sa législation nationale, un office central chargé de surveiller et de coordonner toutes les opérations indispensables pour prévenir les faits prévus par l'article 2, et de faire en sorte que des mesures soient prises pour poursuivre les personnes coupables de faits de ce genre.

2. Cet office central:

(a) Devra se tenir en contact étroit avec les autres institutions ou organismes officiels s'occupant des stupéfiants;

(b) Devra centraliser tous les renseignements de nature à faciliter les recherches et la prévention des faits prévus par l'article 2, et

(c) Devra se tenir en contact étroit et pourra correspondre directement avec les offices centraux des autres pays.

3. Quand le Gouvernement d'une Haute Partie contractante a le caractère fédéral ou quand l'autorité exécutive de ce Gouvernement est répartie entre le Gouvernement central et des gouvernements locaux, la surveillance et la coordination indiquées au paragraphe 1 et l'exécution des obligations spécifiées aux alinéas (a) et (b) du paragraphe 2 s'organiseront conformément au système constitutionnel ou administratif en vigueur.

4. Dans le cas où la présente Convention serait appliquée à un territoire quelconque en vertu de l'article 18, l'application des dispositions du présent article pourra être assurée par la création d'un office central établi dans ou pour ce territoire et agissant, en cas de besoin, en liaison avec l'office central du territoire métropolitain intéressé.

5. Les pouvoirs et les compétences prévus pour l'office central peuvent être délégués à l'Administration spéciale prévue par l'article 15 de la Convention de 1931 pour limiter la fabrication et réglementer la distribution des stupéfiants.

Article 12.

1. L'office central collaborera, dans la plus large mesure possible, avec les offices centraux étrangers, pour faciliter la prévention et la répression des faits prévus par l'article 2.

2. Cet organisme communiquera, dans les limites où il le jugera utile, à l'office central de tout autre pays qui y serait intéressé:

(a) Les renseignements pouvant permettre de procéder à toutes vérifications et opérations relatives aux transactions en cours ou projetées;

(b) Les indications qu'il aura pu recueillir sur l'identité et le signalement des trafiquants, en vue de la surveillance de leurs déplacements;

(c) La découverte de fabriques clandestines de stupéfiants.

Article 13.

1. La transmission des commissions rogatoires relatives aux infractions visées à l'article 2 doit être effectuée, soit:

(a) De préférence par voie de communication directe entre les autorités compétentes de chaque pays, le cas échéant, par l'entremise des offices centraux;

(b) Par correspondance directe des ministres de la Justice des deux pays ou par l'envoi direct, par une autre autorité compétente du pays requérant, au ministre de la Justice du pays requis;

(c) Par l'entremise de l'agent diplomatique ou consulaire du pays requérant dans le pays requis. Les commissions rogatoires seront transmises par cet agent à l'autorité désignée par le pays requis.

2. Each High Contracting Party may, by communication to the other High Contracting Parties, express its desire that letters of request to be executed within its territory should be sent to it through the diplomatic channel.

3. In case (c) of paragraph 1, a copy of the letter of request shall at the same time be sent by the diplomatic or consular representative of the country making the request to the Minister for Foreign Affairs of the country to which application is made.

4. Unless otherwise agreed, the letter of request shall be drawn up in the language of the authority to which request is made or in a language agreed upon by the two countries concerned.

5. Each High Contracting Party shall notify to each of the other High Contracting Parties the method, or methods, of transmission mentioned above which it will recognize for the letters of request of the latter High Contracting Party.

6. Until such notification is made by a High Contracting Party, its existing procedure in regard to letters of request shall remain in force.

7. The execution of letters of request shall not be subject to payment of taxes or expenses other than the expenses of experts.

8. Nothing in the present Article shall be construed as an undertaking on the part of the High Contracting Parties to adopt in criminal matters any form or methods of proof contrary to their laws or to execute letters of request otherwise than within the limits of their laws.

Article 14.

The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of criminal jurisdiction as a question of international law.

Article 15

The present Convention does not affect the principle that the offences referred to in Articles 2 and 5 shall in each country be defined, prosecuted and punished in conformity with the general rules of its domestic law.

Article 16.

The High Contracting Parties shall communicate to one another through the Secretary-General of the League of Nations the laws and regulations promulgated in order to give effect to the present Convention, and also an annual report on the working of the Convention in their territories.

Article 17.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention, and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920, relating to the Statute of that Court, and, if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. Chaque Haute Partie contractante peut déclarer, par une communication adressée aux autres Hautes Parties contractantes, qu'elle entend que les commissions rogatoires à exécuter sur son territoire lui soient transmises par la voie diplomatique.

3. Dans le cas de l'alinéa (c) du paragraphe 1, une copie de la commission rogatoire sera adressée en même temps par l'agent diplomatique ou consulaire du pays requérant au ministre des Affaires étrangères du pays requis.

4. A défaut d'entente contraire, la commission rogatoire doit être rédigée, soit dans la langue de l'autorité requise, soit dans la langue convenue entre les pays intéressés.

5. Chaque Haute Partie contractante fera connaître, par une communication adressée à chacune des Hautes Parties contractantes, celui ou ceux des modes de transmission susvisés qu'elle admet pour les commissions rogatoires de cette Haute Partie contractante.

6. Jusqu'au moment où une Haute Partie contractante fera une telle communication, sa procédure actuelle, en fait de commission rogatoire, sera maintenue.

7. L'exécution des commissions rogatoires ne pourra donner lieu au remboursement de taxes ou frais autres que les frais d'expertise.

8. Rien, dans le présent article, ne pourra être interprété comme constituant, de la part des Hautes Parties contractantes, un engagement d'admettre, en ce qui concerne le système des preuves en matière répressive, une dérogation à leur loi de donner suite à des commissions rogatoires autrement que dans les limites de leur loi.

Article 14

La participation d'une Haute Partie contractante à la présente Convention ne doit pas être interprétée comme affectant son attitude sur la question générale de la compétence de la juridiction pénale comme question de droit international.

Article 15

La présente Convention laisse intact le principe que les faits prévus aux articles 2 et 5 doivent, dans chaque pays, être qualifiés, poursuivis et jugés conformément aux règles générales de la législation nationale.

Article 16

Les Hautes Parties contractantes se communiqueront, par l'entremise du Secrétaire général de la Société des Nations, les lois et règlements promulgués pour donner effet à la présente Convention, ainsi qu'un rapport annuel relatif au fonctionnement de la Convention sur leurs territoires.

Article 17

S'il s'élève entre les Hautes Parties contractantes un différend quelconque relatif à l'interprétation ou à l'application de la présente Convention, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions en vigueur entre les Parties concernant le règlement des différends internationaux.

Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire. A défaut d'un accord sur le choix d'un autre tribunal, elles soumettront le différend, à la requête de l'une d'elles, à la Cour permanente de Justice internationale, si elles sont toutes Parties au Protocole du 16 décembre 1920, relatif au Statut de ladite Cour, et, si elles n'y sont pas toutes Parties, à un tribunal d'arbitrage, constitué conformément à la Convention de La Haye du 18 octobre 1907, pour le règlement pacifique des conflits internationaux.

Article 18.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligation in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, and the present Convention shall not apply to any territories named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he declares that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time after the expiration of the period of five years mentioned in Article 21, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General shall communicate to all the Members of the League and to the non-member States mentioned in Article 19 all declarations and notices received in virtue of this Article.

Article 19

The present Convention, of which the French and English texts shall both be equally authoritative, shall bear this day's date, and shall, until December 31, 1936, be open for signature on behalf of any Member of the League of Nations, or of any non-member State which received an invitation to the Conference which drew up the present Convention, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 20

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding Article.

Article 21

1. As from January 1, 1937, the present Convention shall be open to accession on behalf of any Member of the League of Nations or any non-member State mentioned in Article 19.

2. The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in that Article.

Article 22

The present Convention shall come into force ninety days after the Secretary-General of the League of Nations has received the ratifications or accessions of ten Members of the League of Nations or non-member States. It shall be registered on that date by the Secretary-General of the League of Nations.

Article 18

1. Toute Haute Partie contractante pourra déclarer, au moment de la signature, de la ratification ou de l'adhésion, qu'en acceptant la présente Convention, elle n'assume aucune obligation pour l'ensemble ou une partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa souveraineté ou sous son mandat, et la présente Convention ne s'appliquera pas aux territoires mentionnés dans cette déclaration.

2. Toute Haute Partie contractante pourra ultérieurement donner, à tout moment, avis au Secrétaire général de la Société des Nations qu'elle désire que la présente Convention s'applique à l'ensemble ou à une partie de ses territoires qui auront fait l'objet d'une déclaration aux termes de l'alinéa précédent, et la présente Convention s'appliquera à tous les territoires mentionnés dans l'avis quatre-vingt-dix jours après réception de cet avis par le Secrétaire général de la Société des Nations.

3. Chacune des Hautes Parties contractantes pourra déclarer à tout moment, après l'expiration de la période de cinq ans prévue par l'article 21, qu'elle désire que la présente Convention cesse de s'appliquer à l'ensemble ou à une partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa souveraineté ou sous son mandat, et la Convention cessera de s'appliquer aux territoires mentionnés dans cette déclaration, un an après réception de cette déclaration par le Secrétaire général de la Société des Nations.

4. Le Secrétaire général communiquera à tous les Membres de la Société, ainsi qu'aux Etats non membres mentionnés à l'article 19, toutes les déclarations et tous les avis reçus aux termes du présent article.

Article 19

La présente Convention, dont les textes français et anglais feront également foi, portera la date de ce jour et sera, jusqu'au 31 décembre 1936, ouverte à la signature au nom de tout Membre de la Société des Nations ou de tout Etat non membre invité à la Conférence qui a élaboré la présente Convention, ou auquel le Conseil de la Société des Nations aura communiqué copie de la présente Convention à cet effet.

Article 20

La présente Convention sera ratifiée. Les instruments de ratification seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société, ainsi qu'aux Etats non membres visés à l'article précédent.

Article 21

1. A partir du 1er janvier 1937, il pourra être adhéré à la présente Convention au nom de tout Membre de la Société des Nations ou de tout Etat non membre visé à l'article 19.

2. Les instruments d'adhésion seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société, ainsi qu'aux Etats non membres visés audit article.

Article 22

La présente Convention entrera en vigueur quatre-vingt-dix jours après que le Secrétaire général de la Société des Nations aura reçu les ratifications ou les adhésions de dix Membres de la Société des Nations ou Etats non membres. Elle sera enregistrée à cette date par les soins du Secrétaire général de la Société des Nations.

Article 23

Ratifications or accessions received after the deposit of the tenth ratification or accession shall take effect as from the expiration of a period of ninety days from the date of their receipt by the Secretary-General of the League of Nations.

Article 24

1. After the expiration of five years from the date of the coming into force of the present Convention, it may be denounced by an instrument in writing, deposited with the Secretary-General of the League of Nations. The denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations and shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

2. The Secretary-General shall notify all the Members of the League and the non-member States mentioned in Article 19 of any denunciations received.

3. If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than ten, the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this Article.

Article 25

A request for the revision of the present Convention may at any time be made by any Member of the League of Nations or non-member State bound by this Convention by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other Members of the League of Nations or non-member States bound by this Convention, and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention.

Article 23

Les ratifications ou adhésions déposées après le dépôt de la dixième ratification ou adhésion prendront effet à l'expiration d'un délai de quatre-vingt-dix jours à partir de la date de leur réception par le Secrétaire général de la Société des Nations.

Article 24

1. A l'expiration d'un délai de cinq ans à partir de l'entrée en vigueur de la présente Convention, celle-ci pourra être dénoncée par un instrument écrit déposé auprès du Secrétaire général de la Société des Nations. La dénonciation sortira ses effets un an après la date à laquelle elle aura été reçue par le Secrétaire général de la Société des Nations; elle ne sera opérante que pour le Membre de la Société des Nations ou l'Etat non membre au nom duquel elle aura été déposée.

2. Le Secrétaire général notifiera à tous les Membres de la Société et aux Etats non membres mentionnés à l'article 19 les dénonciations ainsi reçues.

3. Si, par suite de dénonciations simultanées ou successives, le nombre des Membres de la Société des Nations et des Etats non membres qui sont liés par la présente Convention se trouve ramené à moins de dix, la Convention cessera d'être en vigueur à partir de la date à laquelle la dernière de ces dénonciations prendra effet, conformément aux dispositions du présent article.

Article 25

Une demande de revision de la présente Convention pourra être formulée en tout temps par tout Membre de la Société des Nations ou Etat non membre lié par la Convention, par voie de notification adressée au Secrétaire général de la Société des Nations. Cette notification sera communiquée par le Secrétaire général à tous les autres Membres de la Société des Nations et Etats non membres ainsi liés, et, si elle est appuyée par un tiers au moins d'entre elles, les Hautes Parties contractantes s'engagent à se réunir en une conférence aux fins de revision de la Convention.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, the twenty-sixth day of June, one thousand nine hundred and thirty-six, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 19.

EN FOI DE QUOI les plénipotentiaires susmentionnés ont signé la présente Convention.

FAIT à Genève, le vingt-six juin mil neuf cent trente-six, en un seul exemplaire, qui sera déposé dans les archives du Secrétariat de la Société des Nations et dont les copies certifiées conformes seront remises à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 19.

AUSTRIA

AUTRICHE

E. PFLÜGL
Dr Bruno SCHULTZ

BELGIUM

BELGIQUE

En acceptant la présente Convention, la Belgique n'entend assumer aucune obligation en ce qui concerne le Congo belge et les territoires du Ruanda-Urundi au sujet desquels elle exerce un mandat au nom de la Société des Nations¹.

Maurice BOURQUIN

UNITED STATES OF BRAZIL

ÉTATS-UNIS DU BRÉSIL

Jorge LATOUR
ad referendum

GREAT BRITAIN

GRANDE-BRETAGNE

AND NORTHERN IRELAND

ET IRLANDE DU NORD

and all parts of the British Empire which are not separate Members of the League of Nations

ainsi que toutes Parties de l'Empire britannique non membres séparés de la Société des Nations

Oscar F. DOWSON
Wm. H. COLES

CANADA

CANADA

C. H. L. SHARMAN

INDIA

INDE

G. HARDY

BULGARIA

BULGARIE

N. MOMTCHILOFF

CHINA

CHINE

Hoo Chi-Tsai

COLOMBIA

COLOMBIE

ad referendum
Rafael GUIZADO

CUBA

CUBA

G. de BLANCK

DENMARK

DANEMARK

William BORBERG

¹ *Translation by the Secretariat of the League of Nations:*

"In accepting the present Convention, Belgium does not assume any obligation as regards the Belgian Congo and the Territories of Ruanda-Urundi in respect of which a mandate is being exercised by her on behalf of the League of Nations."

EGYPT		ÉGYPTE
	Edgar GORRA	
ECUADOR		ÉQUATEUR
	Alex GASTELÚ	
SPAIN		ESPAGNE
	Julio CASARES	
ESTONIA		ESTONIE
	J. KÕDAR	
FRANCE		FRANCE
	P. DE REFFYE G. BOURGOIS	
GREECE		GRÈCE
	Raoul BIBICA-ROSETTI A. CONTOUMAS	
HONDURAS		HONDURAS
	J. LÓPEZ PINEDA	
HUNGARY		HONGRIE
	Sous réserve de ratification VELICS	
JAPAN		JAPON
	Massa-aki HOTTA	
MEXICO		MEXIQUE
	Manuel TELLO	
MONACO		MONACO
	Xavier RAISIN	
PANAMA		PANAMA
	<i>ad referendum:</i> Dr. Ernesto HOFFMANN	
THE NETHERLANDS		PAYS-BAS
	DELGORGE G. BEELAERTS VAN BLOKLAND	
POLAND		POLOGNE
	CHODŹKO	
PORTUGAL		PORTUGAL
	Augusto DE VASCONCELLOS José CAEIRO DA MATTA	
ROUMANIA		ROUMANIE
	C. ANTONIADE	
SWITZERLAND		SUISSE
	C. GORGÉ	
CZECHOSLOVAKIA		TCHÉCOSLOVAQUIE
	Dr Antonín KOUKAL	
UNION OF SOVIET SOCIALIST REPUBLICS		UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES
	G. LACHKEVITCH	
URUGUAY		URUGUAY
	V. BENAVIDES Alfredo DE CASTRO	
VENEZUELA		VENEZUELA
	<i>ad referendum:</i> AROCHA	

PROTOCOL OF SIGNATURE

When signing the Convention of 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs dated this day, the undersigned Plenipotentiaries, in the name of their Governments, declare to have agreed:

1. To China making acceptance of the Convention subject to the following reservation as to Article 9:

“So long as the consular jurisdiction still enjoyed by the nationals of certain Powers in China is not abolished, the Chinese Government is unable to assume the obligations resulting from Article 9, involving a general undertaking by the Contracting Parties to grant the extradition of foreigners guilty of the offences referred to in that Article.”

2. That the Netherlands make their acceptance of the Convention subject to the reservation that, according to the basic principles of penal law in the Netherlands they are able to comply with sub-paragraph (c) of Article 2 only in circumstances where there is a commencement of execution.

3. That India makes its acceptance of the Convention subject to the reservation that the said Convention does not apply to the Indian States or to the Shan States (which are part of British India).

PROTOCOLE DE SIGNATURE

En signant la Convention de 1936 pour la répression du trafic illicite des drogues nuisibles en date de ce jour, les Plénipotentiaires soussignés déclarent, au nom de leurs gouvernements, accepter:

1. Que la Chine subordonne son acceptation de la Convention à la réserve ci-après, concernant l'article 9:

“Tant que la juridiction consulaire dont jouissent encore les ressortissants de certaines Puissances en Chine ne sera pas abolie, le Gouvernement chinois ne peut pas assumer les obligations découlant de l'article 9, qui contient l'engagement général pour les Parties contractantes d'accorder l'extradition d'étrangers ayant commis les faits visés à cet article.”

2. Que les Pays-Bas subordonnent leur acceptation de la Convention à la réserve que, selon les principes fondamentaux de leur droit pénal, ils ne pourront se conformer au sous-paragraphe c) de l'article 2 que dans les cas où il y aura commencement d'exécution.

3. Que l'Inde subordonne son acceptation de la Convention à la réserve que ladite Convention ne s'applique pas aux Etats de l'Inde, ni aux Etats Chans (qui font partie de l'Inde britannique).

IN FAITH WHEREOF the undersigned have affixed their signatures to the present Protocol.

DONE at Geneva, the twenty-sixth day of June, one thousand nine hundred and thirty-six, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified true copies of which shall be delivered to all the Members of the League of Nations and to the non-member States referred to in Article 19 of the Convention.

EN FOI DE QUOI les soussignés ont apposé leur signature au bas du présent Protocole.

FAIT à Genève, le vingt-six juin mil neuf cent trente-six, en un seul exemplaire, qui sera déposé dans les archives du Secrétariat de la Société des Nations et dont les copies certifiées conformes seront remises à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 19 de la Convention.

AUSTRIA	E. PFLÜGL Dr Bruno SCHULTZ	AUTRICHE
BELGIUM	Maurice BOURQUIN	BELGIQUE
UNITED STATES OF BRAZIL	Jorge LATOUR <i>ad referendum</i>	ÉTATS-UNIS DU BRÉSIL
GREAT BRITAIN AND NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations	GRANDE-BRETAGNE ET IRLANDE DU NORD ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations	
CANADA	Oscar F. DOWSON Wm. H. COLES	CANADA
INDIA	C. H. L. SHARMAN	INDE
BULGARIA	G. HARDY	BULGARIE
CHINA	N. MORTCHILOFF	CHINE
COLOMBIA	Hoo Chi-Tsai	COLOMBIE
CUBA	<i>ad referendum</i> Rafael GUIZADO	CUBA
DENMARK	G. de BLANCK	DANEMARK
EGYPT	William BORBERG	ÉGYPTE
ECUADOR	Edgar GORRA	ÉQUATEUR
SPAIN	Alex GASTELÙ	ESPAGNE
	Julio CASARES	

ESTONIA	J. KÕDAR	ESTONIE
FRANCE	P. DE REFFYE G. BOURGOIS	FRANCE
GREECE	Raoul BIBICA-ROSETTI A. CONTOUMAS	GRÈCE
HONDURAS	J. LÓPEZ PINEDA	HONDURAS
HUNGARY	Sous réserve de ratification VELICS	HONGRIE
JAPAN	Massa-aki HOTTA	JAPON
MEXICO	Manuel TELLO	MEXIQUE
MONACO	Xavier RAISIN	MONACO
PANAMA	<i>ad referendum</i> : Dr Ernesto HOFFMANN	PANAMA
THE NETHERLANDS	DELGORGE G. BEELAERTS VAN BLOKLAND	PAYS-BAS
POLAND	CHODŹKO	POLOGNE
PORTUGAL	Augusto DE VASCONCELLOS José CAEIRO DA MATTA	PORTUGAL
ROUMANIA	C. ANTONIADE	ROUMANIE
SWITZERLAND	C. GORGÉ	SUISSE
CZECHOSLOVAKIA	Dr Antonín KOUKAL	TCHÉCOSLOVAQUIE
UNION OF SOVIET SOCIALIST REPUBLICS	UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES G. LACHKEVITCH	
URUGUAY	V. BENAVIDES Alfredo DE CASTRO	URUGUAY
VENEZUELA	<i>ad referendum</i> : AROCHA	VENEZUELA

FINAL ACT

The GOVERNMENTS OF AFGHANISTAN, THE UNITED STATES OF AMERICA, AUSTRIA, THE UNITED STATES OF BRAZIL, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, BULGARIA, CANADA, CHILE, CHINA, CUBA, DENMARK, EGYPT, ECUADOR, SPAIN, FRANCE, GREECE, HONDURAS, HUNGARY, INDIA, IRAQ, THE IRISH FREE STATE, JAPAN, LIECHTENSTEIN, THE UNITED STATES OF MEXICO, NICARAGUA, NORWAY, PANAMA, THE NETHERLANDS, PERU, POLAND, PORTUGAL, ROUMANIA, SIAM, SWITZERLAND, CZECHOSLOVAKIA, TURKEY, THE UNION OF SOVIET SOCIALIST REPUBLICS, URUGUAY, THE UNITED STATES OF VENEZUELA, AND YUGOSLAVIA,

Having accepted the invitation extended to them in execution of a resolution adopted by the Council of the League of Nations on January 20, 1936, for the purpose of concluding a Convention for the Suppression of the Illicit Traffic in Dangerous Drugs,

Have appointed the following delegates:

AFGHANISTAN

Delegate:

His Excellency General MOHAMED OMER Khan, Delegate to the Assembly of the League of Nations, Deputy Permanent Delegate to the League of Nations.

UNITED STATES OF AMERICA

Delegates:

Mr. Stuart J. FULLER, Assistant Chief of the Division of Far Eastern Affairs, Department of State, Representative of the United States of America on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Mr. Harry J. ANSLINGER, Commissioner of Narcotics of the Treasury Department.

Legal Adviser:

Mr. Frank X. WARD, Assistant Legal Adviser of the Department of State.

AUSTRIA

Delegates:

His Excellency M. Emerich PFLÜGL, Permanent Representative to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary.

Dr. Bruno SCHULTZ, former Vice-President of the Vienna Police, Representative of Austria on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

UNITED STATES OF BRAZIL

Delegate:

M. Jorge LATOUR, Secretary of Legation.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
and all parts of the British Empire which are
not separate Members of the League of Nations.

Delegates:

Mr. Oscar Follett DOWSON, C.B.E., Legal Adviser to the Home Office.

Major William Hewett COLES, D.S.O., Representative of the United Kingdom on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

ACTE FINAL

LES GOUVERNEMENTS DE L'AFGHANISTAN, DES ETATS-UNIS D'AMÉRIQUE, DE L'AUTRICHE, DES ETATS-UNIS DU BRÉSIL, DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD, DE LA BULGARIE, DU CANADA, DU CHILI, DE LA CHINE, DE CUBA, DU DANEMARK, DE L'EGYPTE, DE L'EQUATEUR, DE L'ESPAGNE, DE LA FRANCE DE LA GRÈCE, DU HONDURAS, DE LA HONGRIE, DE L'INDE, DE L'IRAK, DE L'ETAT LIBRE D'IRLANDE, DU JAPON, DU LIECHTENSTEIN, DES ETATS-UNIS DU MEXIQUE, DU NICARAGUA, DE LA NORVÈGE, DU PANAMA, DES PAYS-BAS, DU PÉROU, DE LA POLOGNE, DU PORTUGAL, DE LA ROUMANIE, DU SIAM, DE LA SUISSE, DE LA TCHÉCOSLOVAQUIE, DE LA TURQUIE, DE L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES, DE L'URUGUAY, DES ETATS-UNIS DU VENEZUELA ET DE LA YOUGOSLAVIE,

Ayant accepté l'invitation qui leur a été adressée en exécution de la résolution du Conseil de la Société des Nations, en date du 20 janvier 1936, en vue de la conclusion d'une Convention pour la répression du trafic illicite des drogues nuisibles,

Ont désigné les délégués ci-après:

AFGHANISTAN

Délégué:

Son Excellence le général MOHAMED OMER Khan, Délégué à l'Assemblée de la Société des Nations, Délégué permanent suppléant près la Société des Nations.

ÉTATS-UNIS D'AMÉRIQUE

Délégués:

M. Stuart J. FULLER, Assistant-Chef à la Division des Affaires d'Extrême-Orient, Département d'Etat, Représentant des Etats-Unis d'Amérique à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

M. Harry J. ANSLINGER, Commissaire aux stupéfiants au Ministère des Finances.

Conseiller juridique:

M. Frank X. WARD, Conseiller juridique adjoint du Département d'Etat.

AUTRICHE

Délégués:

Son Excellence M. Emerich PFLÜGL, Représentant permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire.

Le Dr Bruno SCHULTZ, ancien Vice-Président de la Police de Vienne, représentant de l'Autriche à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

ÉTATS-UNIS DU BRÉSIL

Délégué:

M. Jorge LATOUR, Secrétaire de légation.

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD
ainsi que toutes parties de l'Empire britannique
non membres séparés de la Société des Nations.

Délégués:

M. Oscar Follett DOWSON, C.B.E., Conseiller juridique au Ministère de l'Intérieur.

Le major William Hewett COLES, D.S.O., Représentant du Royaume-Uni à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

BULGARIA

Delegates:

His Excellency M. Nicolas MOMTCHILOFF, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary.

M. Eugène SILIANOFF, Secretary of the Permanent Delegation to the League of Nations and Secretary of the Legation in Berne.

CANADA

Delegate:

Colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chief of the Narcotic Division of the Department of Pensions and National Health and Representative of Canada on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Secretary:

Mr. Alfred RIVE.

CHILE

Delegate:

Mr. Francisco HERNANDEZ JIMENEZ, Head of the Nutrition and Drugs Section of the Ministry of Health.

CHINA

Delegate:

His Excellency Dr. Hoo Chi-Tsai, Director of the Permanent Office of the Delegation to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

Substitute:

M. CHEN TING, First Secretary of the Permanent Office of the Delegation to the League of Nations.

Secretary:

M. Yone Ming LEE, Secretary of the Legation in Berne.

CUBA

Delegate:

His Excellency M. Guillermo de BLANCK, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

DENMARK

Delegate:

His Excellency M. William BORBERG, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary.

Substitute:

M. Holger Oluf Quistgaard BECH, First Secretary of the Permanent Delegation to the League of Nations.

EGYPT

Delegate:

M. Edgar GORRA, Royal Adviser, "Directeur du contentieux de l'Etat," Alexandria.

BULGARIE

Délégués:

Son Excellence M. Nicolas MOMTCHILOFF, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire.

M. Eugène SILIANOFF, Secrétaire de la Délégation permanente près la Société des Nations et Secrétaire de la Légation à Berne.

CANADA

Délégué:

Le colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chef de la Division des narcotiques au Département des Pensions et de la Santé publique et Représentant du Canada à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Secrétaire:

M. Alfred RIVE.

CHILI

Délégué:

M. Francisco HERNANDEZ JIMENEZ, Chef de la Section des Aliments et Drogues au Ministère de la Santé publique.

CHINE

Délégué:

Son Excellence le Dr Hoo Chi-Tsai, Directeur du Bureau permanent de la Délégation près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral Suisse.

Délégué suppléant:

M. CHEN Ting, Premier Secrétaire du Bureau permanent de la Délégation près la Société des Nations.

Secrétaire:

M. Yone Ming LEE, Secrétaire de la Légation à Berne.

CUBA

Délégué:

Son Excellence M. Guillermo de BLANCK, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

DANEMARK

Délégué:

Son Excellence M. William BORBERG, Délégué permanent près la Société des Nations. Envoyé extraordinaire et Ministre plénipotentiaire.

Délégué suppléant:

M. Holger Oluf Quistgaard BECH, Premier Secrétaire de la Délégation permanente près la Société des Nations.

ÉGYPTE

Délégué:

M. Edgar GORRA, Conseiller royal Directeur du contentieux de l'Etat, à Alexandrie.

ECUADOR

Delegate:

M. Alejandro GASTELÚ CONCHA, Secretary of the Permanent Delegation to the League of Nations, Consul-General of Ecuador in Geneva.

SPAIN

Delegate:

M. Julio CASARES, Representative of Spain on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Legal Adviser:

M. Manuel LOPEZ REY, Professor of Penal Law.

FRANCE

Delegate:

His Excellency M. DE REFFYE, Minister Plenipotentiary, "Sous-Directeur du contentieux et des chancelleries" at the Ministry of Foreign Affairs.

Substitute:

M. Gaston BOURGOIS, Consul-General of France.

GREECE

Delegate:

His Excellency M. Raoul BIBICA-ROSETTI, Permanent Delegate to the League of Nations, Minister Plenipotentiary.

Substitute:

M. Alexandre CONTOUMAS, First Secretary of the Permanent Delegation to the League of Nations.

HONDURAS

Delegate:

His Excellency Dr. Julian LÓPEZ PINEDA, Permanent Delegate to the League of Nations, Chargé d'Affaires in Paris.

HUNGARY

Delegate:

His Excellency M. László DE VELICS, Chief of the Delegation to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

Substitute:

M. László BARTOK, First Secretary of Legation at the Permanent Delegation to the League of Nations.

INDIA

Delegate:

Gordon Sidey HARDY, Esq., C.I.E., I.C.S., Vice-Chairman of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

IRAQ

Delegate:

Sahib Bey NAJIB, Head of the Permanent Delegation to the League of Nations, Counsellor of Legation.

ÉQUATEUR

Délégué:

M. Alejandro GASTELÚ CONCHA, Secrétaire de la Délégation permanente près la Société des Nations, Consul général de l'Equateur à Genève.

ESPAGNE

Délégué:

M. Julio CASARES, Représentant de l'Espagne à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Conseiller juridique:

M. Manuel LOPEZ REY, Professeur de droit pénal.

FRANCE

Délégué:

Son Excellence M. DE REFFYE, Ministre plénipotentiaire, Sous-Directeur du contentieux et des chancelleries au Ministère des Affaires étrangères.

Délégué suppléant:

M. Gaston BOURGOIS, Consul général de France.

GRÈCE

Délégué:

Son Excellence M. Raoul BIBICA-ROSETTI, Délégué permanent près la Société des Nations, Ministre plénipotentiaire.

Délégué suppléant:

M. Alexandre CONTOUMAS, Premier Secrétaire de la Délégation permanente près la Société des Nations.

HONDURAS

Délégué:

Son Excellence le Dr Julian LÓPEZ PINEDA, Délégué permanent près la Société des Nations, Chargé d'Affaires à Paris.

HONGRIE

Délégué:

Son Excellence M. László DE VELICS, Chef de la Délégation près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Délégué suppléant:

M. László BARTOK, Premier Secrétaire de légation à la Délégation permanente près la Société des Nations.

INDE

Délégué:

M. Gordon Sidey HARDY, C.I.E., I.C.S., Vice-Président de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

IRAK

Délégué:

Sahib Bey NAJIB, Chef de la Délégation permanente près la Société des Nations, Conseiller de légation.

IRISH FREE STATE

Delegate:

Mr. Francis Thomas CREMINS, Permanent Delegate to the League of Nations.

JAPAN

Delegate:

His Excellency Massa-aki HOTTA, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

Experts:

M. Unji KONNO, Technical Expert of the Tokio Hygienic Laboratory.
M. Morikatsu INAGAKI, Expert attached to the Foreign Office.

Secretaries:

M. Yoshiro SUGITA, Secretary of the Department of Overseas Affairs.
M. Bushichiro OTAKE, Secretary of the Department of Justice.
M. Kumao NISHIMURA, Second Secretary of the Embassy in Paris.

LIECHTENSTEIN

Delegate:

M. Camille GORGÈ, Counsellor of Legation, Chief of the League of Nations Section of the Swiss Federal Political Department.

Expert:

M. E. SCHEIM, Assistant to the Police Division, Swiss Federal Department of Justice and Police.

UNITED STATES OF MEXICO

Delegate:

M. Manuel TELLO, First Secretary of the Mexican Foreign Service, Representative of Mexico on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

NICARAGUA

Delegate:

His Excellency M. Francisco Tomás MEDINA, Permanent Delegate to the League of Nations, Minister Plenipotentiary.

NORWAY

Delegate:

M. Einar MASENG, Permanent Delegate to the League of Nations.

PANAMA

Delegate:

Dr. Ernesto HOFFMANN, Permanent Delegate to the League of Nations.

THE NETHERLANDS

Delegates:

M. J. H. DELGORGE, Adviser of the Government of the Netherlands on international opium questions and Netherlands Representative on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Dr. J. R. M. VAN ANGEREN, Director, Chief of the Police Section at the Ministry of Justice.

Substitute and Secretary:

Jonkheer G. BEELAERTS VAN BLOKLAND, Assistant Editor to the Ministry of Foreign Affairs.

ÉTAT LIBRE D'IRLANDE

Délégué:

M. François Thomas CREMINS, Délégué permanent près la Société des Nations.

JAPON

Délégué:

Son Excellence M. Massa-aki HOTTA, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Experts:

M. Unji KONNO, Expert technique au Laboratoire d'hygiène de Tokio.

M. Morikatsu INAGAKI, Expert attaché au Ministère des Affaires étrangères.

Secrétaires:

M. Yoshiro SUGITA, Secrétaire au Ministère des Affaires d'outre-mer.

M. Bushichiro OTAKE, Secrétaire au Ministère de la Justice.

M. Kumao NISHIMURA, Deuxième Secrétaire à l'Ambassade de Paris.

LIECHTENSTEIN

Délégué:

M. Camille GORGÉ, Conseiller de légation, Chef de la Section de la Société des Nations au Département politique fédéral suisse, Berne.

Expert:

M. E. SCHEIM, Adjoint à la Division de la Police, Département fédéral suisse de Justice et Police.

ÉTATS-UNIS DU MEXIQUE

Délégué:

M. Manuel TELLO, Premier Secrétaire du Service extérieur mexicain, Représentant du Mexique à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

NICARAGUA

Délégué:

Son Excellence M. Francisco Tomás MEDINA, Délégué permanent près la Société des Nations, Ministre plénipotentiaire.

NORVÈGE

Délégué:

M. Einar MASENG, Délégué permanent près la Société des Nations.

PANAMA

Délégué:

Le Dr Ernesto HOFFMANN, Délégué permanent près la Société des Nations.

PAYS-BAS

Délégués:

M. J. H. DELGORGE, Conseiller du Gouvernement des Pays-Bas pour les questions internationales en matière d'opium et Représentant des Pays-Bas à La Commission consultative du trafic de l'opium et autres drogues nuisibles.

Le Dr J. R. M. VAN ANGEREN, Directeur, Chef de la Section de la Police au Ministère de la Justice.

Délégué suppléant et Secrétaire:

Le Jonkheer G. BEELAERTS VAN BLOKLAND, Rédacteur adjoint au Ministère des Affaires étrangères.

PERU

Delegate:

M. Enrique TRUJILLO BRAVO, Engineer.

POLAND

Delegate:

His Excellency Dr. Witold CHODŹKO, former Minister of Public Health, Chairman of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Technical Adviser:

M. Kazimierz TREBICKI, First Secretary at the Delegation to the League of Nations.

PORTUGAL

Delegates:

His Excellency Dr. Augusto DE VASCONCELLOS, Permanent Delegate to the League of Nations, Minister Plenipotentiary.

His Excellency Professor José CAEIRO DA MATTA, Rector of the University of Lisbon.

Secretary:

M. Henrique DA GUERRA QUARESMA VIANNA, Chargé d'Affaires to the League of Nations, Counsellor of Legation.

ROUMANIA

Delegate:

His Excellency M. Constantin ANTONIADE, Envoy Extraordinary and Minister Plenipotentiary to the League of Nations.

Substitute:

M. Dino CANTEMIR, Secretary of the Delegation to the League of Nations.

SIAM

Delegate:

His Excellency Phya RAJAWANGSAN, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary to the Court of St. James.

Substitute:

Luang BHADRAVADI, Secretary of Legation at the Legation in London.

Secretary:

Luang CHAMMONG-DITHAKAR, Secretary of Legation at the Legation in London.

SWITZERLAND

Delegate:

M. Camille GORGÈ, Counsellor of Legation, Chief of the League of Nations Section at the Federal Political Department.

Expert:

M. E. SCHEIM, Assistant to the Police Division, Federal Department of Justice and Police.

CZECHOSLOVAKIA

Delegate:

Dr. Antonín KOUKAL, Adviser at the Ministry of Justice.

PÉROU

Délégué:

M. Enrique TRUJILLO BRAVO, Ingénieur.

POLOGNE

Délégué:

Son Excellence le Dr Witold CHODŹKO, ancien Ministre de la Santé publique, Président de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Conseiller technique:

M. Kazimierz TREBICKI, Premier Secrétaire à la Délégation près la Société des Nations.

PORTUGAL

Délégués:

Son Excellence le Dr Augusto DE VASCONCELLOS, Délégué permanent près la Société des Nations, Ministre plénipotentiaire.

Son Excellence le professeur docteur José CAEIRO DA MATTA, Recteur de l'Université de Lisbonne.

Secrétaire:

M. Henrique DA GUERRA QUARESMA VIANNA, Chargé d'Affaires près la Société des Nations, Conseiller de légation.

ROUMANIE

Délégué:

Son Excellence M. Constantin ANTONIADE, Envoyé extraordinaire et Ministre plénipotentiaire près la Société des Nations.

Délégué suppléant:

M. Dino CANTEMIR, Secrétaire de la Délégation près la Société des Nations.

SIAM

Délégué:

Son Excellence Phya RAJAWANGSAN, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire près la Cour de Saint-James.

Délégué suppléant:

Luang BHADRAVADI, Secrétaire de légation à la Légation à Londres.

Secrétaire:

Luang CHAMNONG-DITHAKAR, Secrétaire de légation à la Légation à Londres.

SUISSE

Délégué:

M. Camille GORGÉ, Conseiller de légation, Chef de la Section de la Société des Nations au Département politique fédéral.

Expert:

M. E. SCHEIM, Adjoint à la Division de la Police, Département fédéral de Justice et Police.

TCHÉCOSLOVAQUIE

Délégué:

Le Dr. Antonín KOUKAL, Conseiller au Ministère de la Justice.

TURKEY

Delegate:

M. Numan Tahir SEYMEN, Consul-General at Geneva.

UNION OF SOVIET SOCIALIST REPUBLICS

Delegate:

M. Georges LACHKEVITCH, Legal Adviser at the People's Commissariat for Foreign Affairs.

URUGUAY

Delegates:

His Excellency M. Victor BENAVIDES, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Excellency Dr. Alfredo DE CASTRO, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians and to Her Majesty the Queen of the Netherlands, Representative of Uruguay on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

UNITED STATES OF VENEZUELA

Delegate:

His Excellency M. Manuel AROCHA, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary.

YUGOSLAVIA

Delegate:

His Excellency Dr. Ivan SOUBBOTITCH, Permanent Delegate to the League of Nations.

Experts:

M. Bocho DJORDJEVITCH, Secretary to the Royal Ministry of Trade and Industry.

Dr. Vladimir MANOILOVITCH, Secretary of the Permanent Delegation to the League of Nations.

Participating at the Conference as Observers:

FINLAND

M. Helge VON KNORRING, First Secretary of Legation.

LATVIA

M. Kārlis KALNINS, First Secretary of Legation.

*Participating at the Conference in an Advisory Capacity and as Experts:**International Criminal Police Commission:*

Mr. Norman KENDAL, C.B.E., Assistant Commissioner of the Metropolitan Police, London.

Dr. Bruno SCHULTZ, former Vice President of the Vienna Police, Representative of Austria on the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

who accordingly assembled at Geneva.

TURQUIE

Délégué:

M. Numan Tahir SEYMEN, Consul général à Genève.

UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES

Délégué:

M. Georges LACHKEVITCH, Conseiller juridique au Commissariat du Peuple pour les Affaires étrangères.

URUGUAY

Délégués:

Son Excellence M. Victor BENAVIDES, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Son Excellence le Dr Alfredo DE CASTRO, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi des Belges et près Sa Majesté la Reine des Pays-Bas, Représentant de l'Uruguay à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

ÉTATS-UNIS DU VENEZUELA

Délégué:

Son Excellence M. Manuel AROCHA, Délégué permanent près la Société des Nations, Envoyé extraordinaire et Ministre plénipotentiaire.

YOUGOSLAVIE

Délégué:

Son Excellence le Dr YVAN SOUBBOTITCH, Délégué permanent près la Société des Nations.

Experts:

M. Bochko DJORDJEVITCH, Secrétaire au Ministère royal du Commerce et de l'Industrie.

Le Dr Vladimir MANOILOVITCH, Secrétaire de la Délégation permanente près la Société des Nations.

Participants à la Conférence à titre d'observateurs:

FINLANDE

M. Helge VON KNORRING, Premier Secrétaire de légation.

LETTONIE

M. Kārlis KALNINS, Premier Secrétaire de légation.

*Participants à la Conférence à titre consultatif et en qualité d'experts:**Commission internationale de police criminelle:*

M. Norman KENDAL, C.B.E., Commissaire adjoint à la "Metropolitan Police" à Londres.

Le Dr Bruno SCHULTZ, ancien vice-président de la Police de Vienne, Représentant de l'Autriche à la Commission consultative du trafic de l'opium et autres drogues nuisibles.

qui sont réunis à Genève.

The Council of the League of Nations appointed as President of the Conference:

M. Joseph LIMBURG, Member of the Council of States of the Netherlands.

The Conference has appointed as Vice-President:

M. DE REFFYE, Minister Plenipotentiary, "Sous-Directeur du contentieux et des chancelleries" at the Ministry of Foreign Affairs of the French Republic.

The functions of Secretary-General to the Conference were assumed by:

M. Eric Einar EKSTRAND, Director of the Opium Traffic and Social Questions Sections, representing the Secretary-General of the League of Nations.

In the course of a series of meetings between June 8 and June 26, 1936, the instruments hereinafter enumerated were drawn up:

I. CONVENTION OF 1936 FOR THE SUPPRESSION OF THE ILLICIT TRAFFIC IN DANGEROUS DRUGS

II. PROTOCOL OF SIGNATURE OF THE CONVENTION

The Conference also adopted the following:

I. INTERPRETATIONS

1. It is understood that the provisions of the Convention, and in particular the provisions of Articles 2 and 5, do not apply to offences committed unintentionally.

2. Article 15 is to be interpreted in the sense that the Convention does not in particular affect the liberty of the High Contracting Parties to regulate the principles under which mitigating circumstances may be taken into account.

II. RECOMMENDATIONS

1. The Conference,

Recalling that the International Opium Conference of 1912, determined to bring about the gradual suppression of the abuse of opium, inserted in the International Opium Convention of 1912 the following Article 6: "The contracting Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence";

Recalling that the Parties to the Geneva Opium Agreement of 1925, in the Preamble, declared that they were fully determined to bring about the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium, as provided for in Chapter II of the International Opium Convention of 1912, in their Far Eastern possessions and territories, including leased or protected territories, in which the use of prepared opium is temporarily authorized; and that they were desirous, on the grounds of humanity and for the purpose of promoting the social and moral welfare of their peoples, of taking all possible steps for achieving the suppression of the use of opium for smoking with the least possible delay;

Le Conseil de la Société des Nations a appelé aux fonctions de président de la Conférence:

M. Joseph LIMBURG, Membre du Conseil d'Etat des Pays-Bas.

La Conférence a désigné comme son vice-président:

M. DE REFFYE, Ministre plénipotentiaire, Sous-Directeur du contentieux et des chancelleries au Ministère des Affaires étrangères de la République française.

A rempli les fonctions de Secrétaire général de la Conférence:

M. Eric Einar EKSTRAND, Directeur des Sections du trafic de l'opium et des questions sociales, représentant le Secrétaire général de la Société des Nations.

A la suite des réunions tenues du 8 au 26 juin 1936, les Actes ci-après ont été arrêtés:

I. CONVENTION DE 1936 POUR LA RÉPRESSION DU TRAFIC ILLICITE DES DROGUES NUISIBLES.

II. PROTOCOLE DE SIGNATURE DE LA CONVENTION.

La Conférence a également adopté ce qui suit:

I. INTERPRÉTATIONS.

1. Il est entendu que les stipulations de la Convention, et en particulier les stipulations des articles 2 et 5 ne s'appliquent pas aux faits commis non intentionnellement.

2. L'article 15 doit être interprété dans ce sens que la Convention ne porte, notamment, aucune atteinte à la liberté des Hautes Parties contractantes de régler le régime des circonstances atténuantes.

II. RECOMMANDATIONS.

1. La Conférence,

Rappelant que la Conférence internationale de l'opium de 1912, résolue à poursuivre la suppression progressive de l'abus de l'opium, a inséré dans la Convention internationale de l'opium de 1912 l'article 6 suivant: "Les Puissances contractantes prendront des mesures pour la suppression graduelle et efficace de la fabrication, du commerce intérieur et de l'usage de l'opium préparé, dans la limite des conditions différentes propres à chaque pays, à moins que des mesures existantes n'aient déjà réglé la matière";

Rappelant que les Parties à l'Accord de Genève sur l'opium de 1925 ont déclaré, dans le Préambule, qu'elles étaient fermement résolues à effectuer la suppression graduelle et efficace de la fabrication, du commerce intérieur et de l'usage de l'opium préparé, telle qu'elle est prévue par le Chapitre II de la Convention internationale de l'opium de 1912, dans leurs possessions et territoires d'Extrême-Orient, y compris les territoires cédés à bail ou protégés, dans lesquels l'usage de l'opium préparé est encore autorisé, et qu'elles étaient désireuses, pour des raisons d'humanité et en vue d'assurer le bien-être social et moral des peuples intéressés, de prendre toutes mesures utiles pour réaliser dans le délai le plus bref possible la suppression de l'usage de l'opium à fumer;

Desiring to take the opportunity afforded by the present Conference of urging the countries concerned to continue their efforts in this matter:

Recommends that Governments which still permit use of opium for other than medical or scientific purposes should without undue delay take effective action with a view to the abolition of such use of opium.

2. The Conference recommends that countries which recognize the principle of extradition of their nationals should grant the extradition of such of their nationals as, being in their territory, are guilty of the commission abroad of the offences dealt with in Article 2, even if the extradition treaty applicable contains a reservation on the subject of the extradition of nationals.

3. The Conference recommends the High Contracting Parties to create, where necessary, a specialized police service for the purposes of the present Convention.

4. The Conference recommends that the Advisory Committee on Traffic in Opium and Other Dangerous Drugs should consider the question whether it is desirable that meetings of the representatives of the central offices of the High Contracting Parties should take place in order to ensure, improve and develop international co-operation as provided for in the present Convention, and, should occasion arise, to give an opinion to the Council of the League of Nations on the subject.

Désireuse de profiter de l'occasion qui lui est offerte par la présente Conférence d'adresser aux Etats intéressés en appel les invitant à poursuivre leurs efforts dans ce domaine:

Recommande que les gouvernements qui permettent encore l'usage de l'opium pour d'autres fins que des fins médicales ou scientifiques, adoptent dans le plus bref délai toutes mesures efficaces en vue de l'abolition de cet usage de l'opium.

2. La Conférence recommande que les pays qui admettent le principe de l'extradition de leurs nationaux accordent l'extradition de leurs nationaux qui se trouvent sur leur territoire et qui se sont rendus coupables à l'étranger des infractions prévues par l'article 2, même si le traité d'extradition applicable contient une réserve au sujet de l'extradition des nationaux.

3. La Conférence recommande aux Hautes Parties contractantes de créer, le cas échéant, un service spécialisé de police aux fins de la présente Convention.

4. La Conférence recommande que la Commission consultative du trafic de l'opium et autres drogues nuisibles examine l'opportunité de réunions des représentants des offices centraux des Hautes Parties contractantes en vue d'assurer, perfectionner et développer la collaboration internationale prévue par la présente Convention; et, le cas échéant, donne un avis à ce sujet au Conseil de la Société des Nations.

IN FAITH WHEREOF the Delegates have signed the present Act.

DONE at Geneva, the twenty-sixth day of June, one thousand nine hundred and thirty-six, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which authenticated copies shall be delivered to all States represented at the Conference.

En FOI DE QUOI les Délégués ont signé le présent Acte.

FAIT à Genève, le vingt-six juin mil neuf cent trente-six, en simple expédition, qui sera déposée dans les archives du Secrétariat de la Société des Nations; copie certifiée conforme en sera remise à tous les Etats représentés à la Conférence.

The President of the Conference:

LIMBURG

Le Président de la Conférence:

The Vice-President of the Conference:

P. DE REFFYE

Le Vice-Président de la Conférence:

The Secretary-General of the Conference:

Eric Einar EKSTRAND

Secrétaire général de la Conférence:

AUSTRIA

AUTRICHE

E. PFLÜGL

Dr Bruno SCHULTZ

UNITED STATES OF BRAZIL

ÉTATS-UNIS DU BRÉSIL

Jorge LATOUR

GREAT BRITAIN AND
NORTHERN IRELAND
and all parts of the British Empire which are not separate Members of the League or Nations

GRANDE-BRETAGNE ET
IRLANDE DU NORD
ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations

Oscar F. DOWSON

Wm. H. COLES

BULGARIA

BULGARIE

N. MOMTCHILOFF

E. SILIANOFF

CANADA

CANADA

C. H. L. SHARMAN

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F. HERNÁNDEZ

CHINA

CHINE

Hoo Chi-Tsai.

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CUBA

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HUNGARY	VELICS	HONGRIE
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IRISH FREE STATE	F. T. CREMINS	ÉTAT LIBRE D'IRLANDE
JAPAN	Massa-aki HOTTA	JAPON
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PANAMA	Dr Ernesto HOFFMANN.	PANAMA
THE NETHERLANDS	DELGORGE G. BEELAERTS VAN BLOKLAND	PAYS-BAS
POLAND	CHODŹKO	POLOGNE
PORTUGAL	Augusto DE VASCONCELLOS José CAEIRO DA MATTA	PORTUGAL
ROUMANIA	C. ANTONIADE	ROUMANIE
SWITZERLAND	C. GORGÉ	SUISSE
CZECHOSLOVAKIA	Dr Antonín KOUKAL	TCHÉCOSLOVAQUIE
UNION OF SOVIET SOCIALIST REPUBLICS	G. LACHKEVITCH	UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES

URUGUAY

URUGUAY

V. BENAVIDES
Alfredo DE CASTRO

VENEZUELA

VENEZUELA

AROCHA

YUGOSLAVIA

YUGOSLAVIE

Dr I. V. SOUBBOTITCH

*International Criminal
Police Commission*

*Commission internationale
de Police criminelle*

Dr Bruno SCHULTZ

CANADA

TREATY SERIES, 1939

No. 13

EXCHANGE OF NOTES

(March 7, April 5, and June 22, 1939)

CONSTITUTING AN

ARRANGEMENT RELATING TO VISITS IN UNIFORM
BY MEMBERS OF DEFENCE FORCES

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

IN FORCE JULY 1, 1939



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**EXCHANGE OF NOTES (MARCH 7, APRIL 5, AND JUNE 22, 1939)
CONSTITUTING AN ARRANGEMENT RELATING TO VISITS IN
UNIFORM BY MEMBERS OF DEFENCE FORCES BETWEEN
CANADA AND THE UNITED STATES OF AMERICA**

*The Canadian Minister at Washington to the
United States Secretary of State*

No. 58

His Majesty's Minister for Canada presents his compliments to the Secretary of State and has the honour to refer to the question of securing permission for individual members of the Canadian Defence Forces to visit the United States in uniform. This question was raised in the final paragraph of a note from Secretary of State dated December 10th, 1927. The matter of dispensing with the formality of making application through the diplomatic channel in such cases has received the attention of the interested Canadian authorities.

In the view of the Department of National Defence it is not desirable to dispense with all formality in connection with visits of individual members of the defence forces in uniform from either country to the territory of the other; it is thought to be questionable whether it would be in the national interest to do so and breaches of etiquette or of the law by visitors in uniform are apt to assume a significant importance.

However in referring to the intimation made by the United States authorities that it is unnecessary to make a specific request for permission for individual members of the defence forces in uniform to visit the United States the Department of National Defence is prepared to issue instructions that individuals of the Canadian Militia Service are not to proceed to the United States in uniform, or to wear uniform when in the United States without first obtaining permission from the District Officer Commanding by whom a pass will be given to the individual stating the occasion and the period for which the necessary authority has been granted. In the case of the personnel of the Royal Canadian Navy and the Royal Canadian Air Force the necessary authorization will be issued from National Defence headquarters.

In outlining the proposed procedure which the Canadian authorities are willing to apply in the future it would be appreciated if the Legation might be informed whether a similar procedure would be acceptable to the competent authorities of the United States Government. The procedure would be that specific requests for permission for individual members of United States Defence Forces to visit Canada need not be made through the diplomatic channel and that individuals of the United States Defence Forces visiting Canada in uniform should obtain the permission of their Corps or other appropriate commander and be prepared to show such "pass" to the Canadian immigration inspector at the port of entry.

It is stated that at the present time the Canadian Immigration authorities do not permit entry of uniformed members of the Forces of another country unless permission has been obtained therefor through the diplomatic channel. In the event however that the proposal outlined above is agreeable to the

competent authorities of the United States Government consideration will be given by the Director of Immigration in Canada to the issuance of appropriate instructions to the immigration inspectors along the border.

No change is contemplated at present in the procedure for the admission of organized parties of members of the Defence Forces in uniform from either country to the territory of the other.

It is not desired that the new procedure should apply to visits by individual members of police forces in uniform. The Commissioner of the Royal Canadian Mounted Police to whom the question was referred in connection with visits to the United States of individual members of the force in uniform has stated that the Royal Canadian Mounted Police Rules and Regulations forbid a member of the force to enter the United States in uniform without permission apart from exceptional circumstances. In view of the delay which transmitting a request through the diplomatic channel or securing a pass would entail the Commissioner desires to rely upon the broad statement of the United States authorities referred to in the first paragraph of the present note that a request for permission is not necessary. It is understood however that the crossing of the boundary without specific authority will be reserved for exceptional circumstances and in accordance with the practice that has been followed heretofore in such matters.

Sir Herbert Marler would be grateful to be informed whether the proposed procedure meets with the approval of the competent authorities of the United States Government and in the event that it does to be informed of a date upon which it would be convenient to have the said procedure put into effect.

CANADIAN LEGATION

Washington, D.C.

March 7, 1939.

*The United States Secretary of State to
the Canadian Minister at Washington*

The Secretary of State presents his compliments to the Honorable the Minister of Canada and has the honor to acknowledge the receipt of his note no. 58, dated March 7, 1939, concerning the matter of dispensing with the formality of making application through diplomatic channels for permission for visits of individual members of the Defense Forces, in uniform, from Canada or the United States to the territory of the other.

The Secretary of State is now in receipt of communications from the interested Federal authorities which state that the procedure suggested by the Canadian Department of National Defence is agreeable to this Government and that individual members of the Defense Forces, in uniform, desiring to visit from Canada or the United States to the territory of the other will obtain special permission from the individual's Commanding Officer for each specific visit, which permission will be evidenced by a written pass showing, in addition, the dates of commencement and termination of the visit, this pass to be shown to the border authorities for entrance into and exit from the territory of the other.

The proposed procedure can be put into effect, July 1, 1939, if such action is agreeable to the Canadian authorities.

DEPARTMENT OF STATE,

Washington, April 5, 1939.

*The Canadian Minister at Washington to
the United States Secretary of State*

No. 165

His Majesty's Minister for Canada presents his compliments to the Secretary of State and has the honour to refer to the Department of State's note of April 5, 1939, and previous correspondence concerning the matter of dispensing with the formality of making application through diplomatic channels for permission for visits of individual members of the Defence Forces in uniform from Canada or the United States to the territory of the other country. In the Department's note under reference it was stated that the procedure suggested by the Canadian Department of National Defence was agreeable to the United States Government whereby individual members of the Defence Forces in uniform desiring to visit from Canada or the United States to the territory of the other country would obtain special permission from the individual's Commanding Officer for each specific visit, this permission to be evidenced by a written pass showing in addition the dates of the commencement and termination of the visit. The pass would be shown to the authorities at the International Boundary. It was added that the proposed procedure could be put into effect on July 1, 1939, if such action were agreeable to the Canadian authorities.

Sir Herbert Marler is instructed to state that it is agreeable to the Canadian Government that the proposed procedure be put into effect on July 1, 1939.

CANADIAN LEGATION
Washington, D.C.

June 22, 1939.

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